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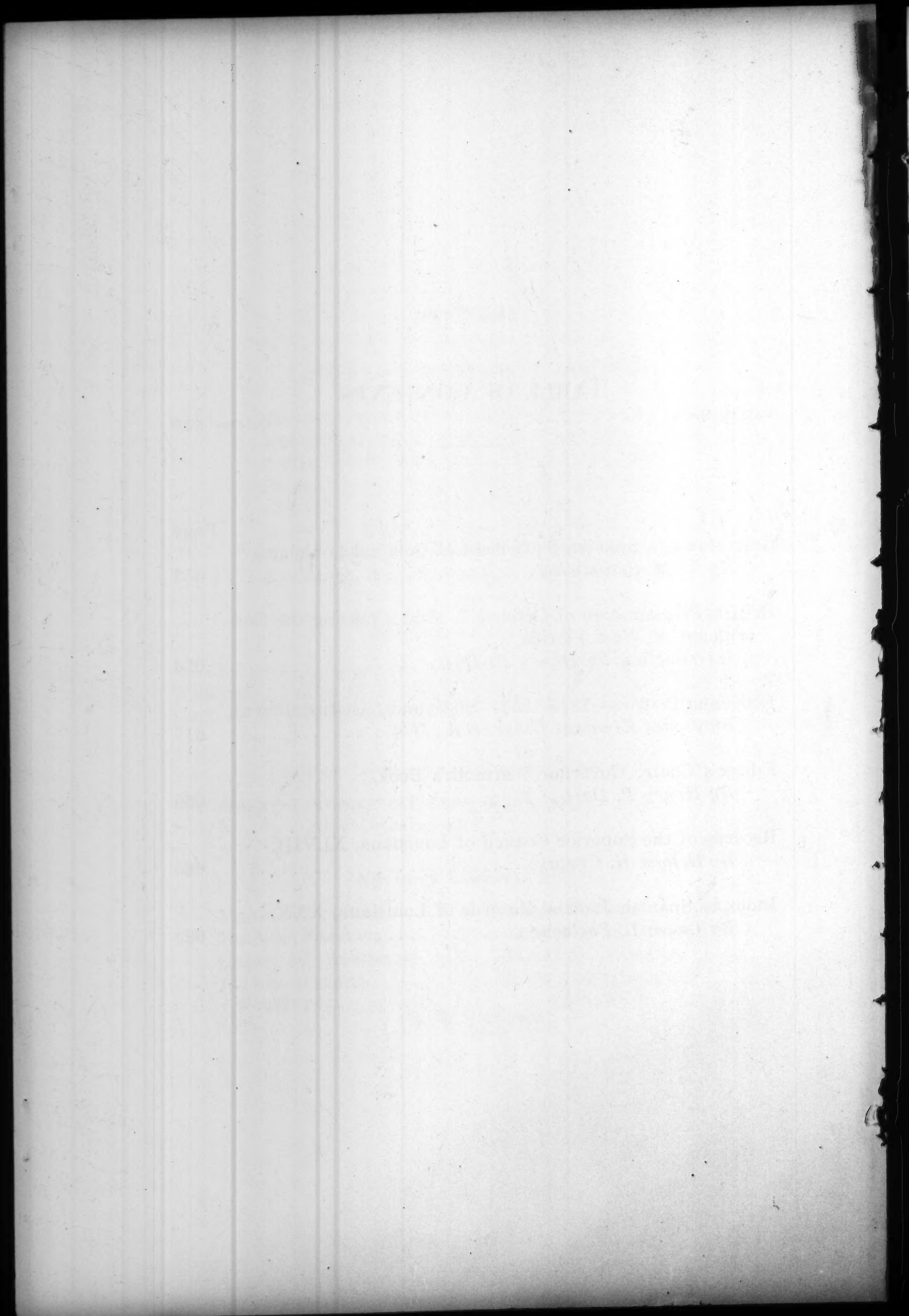
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## GALVEZTOWN

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### A Spanish Settlement of Colonial Louisiana

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By  
V. M. SCRAMUZZA\*

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#### FOREWORD

WHILE the general history of Louisiana has received a fairly extensive treatment, especially in the popular form, there is on the other hand, as far as I know, an absolute dearth of local histories which is not altogether flattering to the rich historical inheritance and the growing civic pride of our older communities.

In bringing the first pebble to the structure of local histories, I trust that others will follow this timid beginning and give us monographs on such old settlements as New Orleans, Manchac, Natchitoches, Opelousas, Baton Rouge, Pointe Coupée, Valenzuela, Donaldsonville, New Iberia, and a score of others around which arms have clashed, slaves have toiled, masters have built their little castles of local economic domination, and schemed their schemes of petty political power; and, amidst most trying difficulties, life has grown to the making of the Louisiana of today.

This study of Galveztown has no pretension of being full and exhaustive. For one thing, I am not in possession of all the documents that throw light on that subject; and for another,

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\*A Thesis for the Degree of Master of Arts, Louisiana State University, June 1, 1924. This manuscript has been copied from a carbon copy of the thesis written by V. M. Scramuzza, which was lent to the Rosenberg Library by Colonel C. Robert Churchill, President of the Louisiana Society, Sons of the American Revolution, 408 Canal Street, New Orleans, La.—Rosenberg Library, Galveston, Texas, May, 1927.

The *Quarterly* is permitted to use it by Colonel Churchill, a distinguished citizen of New Orleans, whose interest in the history of Louisiana is well known everywhere and he advises us that he has the authority of the author to print it here.

I have not had that wide and remote preparation—the result of years—which furnishes the background upon which an author may trace his sketches.

By far the largest part of the documents consulted are transcripts and photocopies from the Papeles Procedentes de Cuba deposited in the Archivo General de Indias at Seville, Spain, and catalogued for the Carnegie Institution of Washington by Roscoe R. Hill. All such transcripts and photocopies as have been consulted in connection with this work are now available at the library of Louisiana State University.

I am fully aware that there are lacunae in my story. When other documents will become available with which I am not now acquainted, they will assuredly necessitate the reconstruction of some of the theories that I have advanced.

THE AUTHOR.

## I.

### LOCATION

**G**ALVEZTOWN or Old Spanish Town, as the natives are wont to call it, was situated on the right bank of the Amite River immediately below the confluence of Bayou Manchac, at a point where the parishes of Ascension, East Baton Rouge, and Livingston meet all three together across the waters of the river and the bayou. At that point, in what is now a corner of Ascension Parish, rises a very small plateau that beautifully overhangs an outer elbow of the winding Amite, and offers itself as a desirable site for human habitation.

The place may be reached easily by a west-to-east road that makes a perfect T with the Jefferson Highway opposite the Oak Grove High School in Ascension Parish, the Galveztown road being the stem of the T.<sup>1</sup> At four and a half miles after leaving the Jefferson Highway the motorist will reach the site that once was Galveztown, and now is the property of Mr. George Thibreau on its western portion, while the eastern half belongs to the children and heirs of the late Vincent Cambre.<sup>2</sup> The site lies mostly north of the Port Vincent Road,

<sup>1</sup>This road is commonly called Port Vincent or Old Galvez Road, and forms part of the State Highway System. It will ultimately connect the parish seats of Ascension and Livingston.

<sup>2</sup>The author is indebted to Mr. George Thibreau for showing him first the location of Galveztown and giving him other interesting information.

that is, between this road and the Amite River, which is seven or eight hundred feet across Mr. Thibeau's field.

No remnants are extant by which the existence of a town may be suspected. Not even a trace of the fort is left; but in the springtime, when the soil is freshly plowed, rectangular spots of a darker color evince the places where the cabins stood. At these places the crops grow taller.

The oldest inhabitants of the neighborhood will tell the inquirer that, when they were children, they used to get bricks from the old town. They remember still the existence of trees lined in criss-cross order and marking out the street topography. Mr. Butler Gonzales, whose family moved to the site of Galveztown in the early fifties, recites that in his childhood one large building, the fort, was still standing although extremely dilapidated, and the ground over the old town was strewn with bricks, sills, window frames, and other debris. Streets and sidewalks were clearly discernible, and some were flanked with china ball and other trees. He also tells that the town site was still enclosed within a quadrangular trench about four feet wide and six or seven hundred feet long each way. At what the inhabitants called Magazine Hill, on the river bank, cannon balls were still lying on the ground. Mr. Gonzales' father was the first man to put the plough on the field that once had been a town.

The unfailing legend relates that Lafitte hid here a portion of his treasure, and also that a boat loaded with precious metal sunk in the Amite opposite Galveztown. Hopeful adventurers have come from far and near to dig from the river bottom the elusive gold. But Mr. Thibeau, while ploughing, has found in different parts of his field Spanish coins which the author has seen, and which seem to him to constitute another link in the chain of evidence that the site he has pointed out is the true location of Galveztown. But all doubt will end when one becomes acquainted with the data of the Federal Survey of 1832. Plat of Township 8, South Range, 3 East, South Eastern District of Louisiana, East of Mississippi River designates Section 17, which is the tract referred to above, as Galveztown, and assigns it an area of 2,558 acres.<sup>3</sup>

<sup>3</sup>The statement of Alc   Fortier that "the site of the ancient village is now occupied by the little hamlet of Galvez, in Ascension Parish" (*Louisiana*, 3 vols., New Orleans, 1914; vol. I, 460), is incorrect. Galvez is a post office, in Ascension Parish, fully two miles from Galveztown.



At the southeast end of the section which tradition and the Federal Survey indicate as being the old Spanish town, was the graveyard. This too has left no mark or evidence of any sort, and the place is now covered with full grown trees and thick underbrush. But old people, born and raised in that neighborhood, can point out its exact location, and are certain they are making no mistake. In their childhood days remnants of the old town were still extant, and in the adjoining cemetery the children used to pick violets among the many graves. The site of the graveyard is entirely south of the Port Vincent Road.<sup>4</sup>

We shall now enquire into the causes that gave origin to our "Old Spanish Town."

## II.

### THE NECESSITY OF A SPANISH FORT ON THE AMITE RIVER

IN A REPORT of January 15, 1779, the provisional governor of Louisiana, Don Bernardo Galvez, states that he had "inspected a site of high lands near the junction of the rivers Amite and Iberville<sup>5</sup> not known until now by the people of the country, and discovered by chance by the English and the Americans who had fled to the possessions of the King of Spain." They formed a village there, and named it Galveztown as a mark of gratitude to the Governor under whom they found refuge and protection.<sup>6</sup>

It is not improbable that these English and American refugees had come from that section of the province of West Florida bordering on the Mississippi River. The war for American independence had projected itself to the furthestmost southwestern region of British North America, that is, the present East Baton Rouge Parish in the State of Louisiana.

Early in 1778, the Revolutionary Captain Willing began small scale operations against Manchac, Baton Rouge, and

<sup>4</sup>Formerly this road was a section of a much longer road that had its beginning at the left bank of the Mississippi River, in the settlement of St. Gabriel. It lay at the boundary line of the Dupuy tract and the St. Gabriel church property, and ran south, then east to Dutchtown, hence to Galveztown and to the crossing of the Amite at Port Vincent. Cf. Map of Pointe Coupée, West Baton Rouge, and Iberville by Andrew J. Powell and Robert H. Bradford, 1859.

<sup>5</sup>Bayou Manchac was, in the eighteenth century, called Iberville River.

<sup>6</sup>Fortier, A., *History of Louisiana* (4 vols., New York, 1904), vol. II, 61.



Natchez, "destroying on the way everything he could find, burning houses and devastating plantations."<sup>7</sup> Or possibly they were deserters from the British and American armies.<sup>8</sup>

Whatever their motives might have been, a good many English speaking settlers found it more advantageous to live in the dominion of his Catholic Majesty.<sup>9</sup>

When the Spanish government embarked on the task of colonizing its newly acquired province of Louisiana with Spaniards, Galvestown, was one of the first locations to draw the attention of the Spanish authorities, and thither they sent a number of families brought over, in 1778, from the Canary Islands.<sup>10</sup> In so doing the Spanish government was pursuing a well defined policy of counteracting the English ascendancy in the Mississippi valley, which had steadily increased since the cession of the two Floridas to Great Britain, and was radiating mainly from Manchac, a military and mercantile post on the extreme southwestern corner of the modern East Baton Rouge Parish<sup>11</sup> where, at that time, Bayou Manchac or Rio de Iberville became an auxiliary of the Mississippi Establishment. At the opening of the Revolutionary War, this English ascendancy was at its highest, and had become a positive menace to Spanish supremacy. It was now a question of stemming it forever or succumbing to it inevitably.

No better picture of that disquieting situation can be had than from the extremely enlightening memorandum on the commerce and population of Louisiana presented to his Catholic Majesty by Don Francisco Bouligny, in 1776.<sup>12</sup>

After showing in most glowing but none the less true colors the resources and possibilities of the province, Captain Bouligny gives a very sad account of the provincial commerce

<sup>7</sup>*Ibid.*, vol. II, 58.

<sup>8</sup>About the appalling number of deserters on both sides see Channing, E., *History of the United States*, vol. III, 220-221. The author scouts the theory that these English and American settlers were army deserters, because it seems to him that Collet, the Commandant at Galvestown, who is always ready to assign a valid reason to all his wise measures, would have stated in his report to Galvez, at the time he formed the second Galvestown militia company, that the men he placed as officers at the head of the English speaking organization, had already seen military service.

<sup>9</sup>"Eighty-seven English and Americans took an oath of allegiance to the King of Spain in 1779." Cf. Fortier, *History of Louisiana*, vol. II, 59-60.

<sup>10</sup>The islenos or Islanders were brought to the province at the King's expense, and formed the settlements of Galvestown, Terre-aux-Boeufs, and Valenzuela. See Martin, F. X., *History of Louisiana*, New Orleans, 1882, 224.

<sup>11</sup>The original site has been eaten up by the river. It formed part of Woodstock Plantation.

<sup>12</sup>Fortier, *History of Louisiana*, vol. II, 24 ff.

from the Spanish point of view. He tells his superiors that the English have gobbled up the entire trade of the colony. Spanish and French merchants can do business only in New Orleans, and that only because of the presence there of soldiers who enforce the Spanish commercial laws. The Spanish authorities do not object to the English buying the planters' products for cash money; but they cannot permit the English "to furnish the planters with what they need," for that is suicidal to Spanish commerce. Notwithstanding this prohibition, the unpatriotic practice of trading with the English is so widespread that to control it, "it would be necessary to place a guard in every house." The size of that smuggling is bewildering. "The commerce of the colony amounts annually to about \$600,000, of which only \$15,000 belongs to the Spanish commerce." "All the rest belongs to the commerce of the English."

But this is not all. Greater evils befall the unlucky province. It is true that the planters who engage in illegal commerce are not molested; but the laws are there, and under a constant fear of an investigation and of their consequent "ruin," "they sell their plantations and settle among the English at Manchac." Among the several ills caused by the exodus of the wealthier members of the rural population Bouligny lays special stress on "the depreciation in value of other plantations, for there are fewer people capable of buying than those who wish to sell." The decline has been such that houses and lands that formerly were worth \$8,000 to \$10,000, are selling today for \$1000 to \$1500."

Besides playing havoc with Spanish Commerce the English draw away from the Spaniards, and bind to themselves in friendship and alliance, the Indian tribes. "The English have acquired such a power over the Indians that today they make use of them to subjugate the colonists." "As there is peace, we have had no trouble with the Indians; but in case of war, New Orleans would not be secure, unless we acquire the good will of those tribes. The English delegate at Manchac does nothing daily but attempt to attract the Indians who are on our lands, especially the Arkansas."

This report of Bouligny strikes one with the enormous importance of Manchac. In the mind of the observing captain Manchac is the danger point. Manchac is the center of all English aggression. It is incredible what a conspicuous role he attaches to that post; and one will readily conclude that Manchac is a second Carthage which must be destroyed if Rome is to prosper.

There is no room for the two—Manchac and New Orleans—in the lower valley. "An Englishman settles in Manchac, and in a few years he is wealthy." "The English owe to their commerce their establishment at Manchac." "Boats leave New Orleans for Natchitoches, Pointe Coupée, Arkansas, and Illinois. In New Orleans they take something, but most of their cargo is taken from the floating stores, remote from the city, or at Manchac." "Various vessels assemble there, which from London come directly to the Mississippi. But what gives the greatest advantage to the English posts at Manchac, River Amite, and Baton Rouge is the fact that the English inhabitants who flee from the disturbances in the colonies come to settle at these posts with all their property, and the best proof of the progress of that colony, which receives no help whatever from England, is that lands untilled and covered with forests sell at a higher price than our cultivated lands near the city. If no means are taken to prevent the development of that establishment, it will absorb ours, and will be a menace for the vast kingdom of Mexico."

"The commerce of the English on the river" must then be destroyed, and means must be taken to bring about the "decline of Manchac;" and that can be done "especially if a general pardon were offered to all who have absented themselves for purposes of contraband, and if the Catholics at Manchac were allowed to settle on our lands with all their negroes, which they would do immediately to be near the city. It is so important for the state that Manchac should not prosper, that any individual should be admitted, whatever be his nation, especially if he comes with his family and his negroes."

Manchac was much the more dangerous for the reason that "the English can reach the Mississippi at Manchac through the lakes and Iberville River, without the knowledge of the Spaniards, as the latter have no establishment on the banks of the lakes except a fort at Bayou St. John, and a detachment of two or three men on the Tiguyou, a stream that unites Lake Pontchartrain with Lake Maurepas." As a further protection Bouligny proposed that "we should rebuild the fort that we have at Spanish Manchac, which is distant only a pistol-shot from the English Manchac."

\* \* \*

Manchac having acquired so important a place in international affairs, it is worthwhile to fix again in our minds its



exact location and the reason why the English had chosen it as the centre of their smuggling activities along the Spanish banks of the Mississippi River. At the close of the Seven Years War in 1763, by the Treaty of Paris, England took over from France all the latter's possessions in North America, among which was all of Louisiana east of the Mississippi River, except the Island of Orleans.<sup>13</sup> This district was, by the Treaty of Fontainebleau, ceded to Spain together with the whole of Louisiana west of the Mississippi River. With the eastern portion of Louisiana England secured also Florida, and on October 7, 1763, the territory thus acquired was divided into the two provinces of East and West Florida.<sup>14</sup>

West Florida was separated from the Island of Orleans, that is, south, by the Iberville and the Amite rivers,<sup>15</sup> and the Maurepas and Pontchartrain lakes; and from the rest of Louisiana, that is, west, by the Mississippi River. At the southwesternmost projection of their new dominion, that is, at the point where Bayou Manchac branches off from the Mississippi, the English built Fort Bute and the settlement of Manchac. This place, commanding as it did, the back entrance to the lakes and the open Gulf, and nestling on the banks of the Mississippi in direct com-

<sup>13</sup>The Island of Orleans was that triangular territory bounded west-to-south by the Mississippi River, east by the Gulf, and north-to-east by the Iberville and Amite rivers, and the Maurepas and Pontchartrain lakes. Being surrounded by water courses the district was called an island, and as such it had appeared to Iberville when he rediscovered the lower Mississippi River, in 1699.

<sup>14</sup>*The Present State of the European Settlements on the Mississippi*, by Captain Philip Pittman, London, 1770. Reprint of the original edition, Cleveland, 1906, 9.

<sup>15</sup>It becomes important, at this point, to fix the nomenclature of these streams. The Iberville River is now called Bayou Manchac. It starts at the left bank of the Mississippi, flows due east marking along its entire course the parish line between East Baton Rouge, on one side, and Iberville and Ascension, on the other; and empties into the Amite River.

The Indians called it Ascantia. After his excursion to the Red River, Iberville, desirous of finding a fork which might lead him to the Gulf by a shorter route, and having been told by the natives that the Ascantia bayou offered such a route, entered that stream (March 23, 1699), through which he came directly to the site of his future capital of Biloxi, on the Gulf, where he had left his sea-going ships. See Fortier, *History of Louisiana*, vol. II, 41.

The Amite River is that larger stream that receives the waters of Bayou Manchac, and, below its junction with the latter, divides the parishes of Livingston and Ascension. It has its sources south of Natchez, and its mouth on Lake Maurepas. As Iberville discovered it and navigated it from its junction with the Ascantia downward, geographers and historians have also given the name of Iberville to the lower section of the Amite from that junction to the lake, or, in other words, to the entire water course from the Mississippi to the lake. A map of Galveztown by Juan Maria Perchet, dated 1796, which is in the archives of Iberville Parish at Plaquemine, La., names the lower Amite Rio de Iberville; and Dr. John Watkins, who in 1804 visited the parishes of the newly acquired province of Louisiana as commissioner of Governor Claiborne, in reporting his investigation of Galveztown says that this town "is situate upon the river Iberville, a little below its junction with the Amite." See Robertson, J. A., *Louisiana Under the Rule of Spain, France and the United States*, Cleveland, 1911, 309-310.

munication with the great valley, was a natural strategic point of the first order. The excellent advantages of communication it offered had been recognized by the Indians themselves. They had built there a village as a barrier against hostile tribes who might covet their hunting grounds.<sup>16</sup> The English were quick to perceive that from this point they could both make inroads into the commerce of Spain and menace the latter's occupation of the whole province of Louisiana.

Almost immediately after their acquisition of the Floridas, the British had the southern and western boundaries of West Florida surveyed. The work was confided, at least in part, to Lieutenant Philip Pittman, of the 48th Regiment of Foot, who seems to have come to West Florida in August, 1763, and to have "resided five years as an engineer in those parts."<sup>17</sup> In 1770, he published in London, with the types of J. Nourse, a report of his investigations under the title *The Present State of the European Settlements on the Mississippi*, which, says he, "was originally wrote at the request and for the perusal only, of the secretary of state for the colonies."<sup>18</sup> His survey of the Iberville was made in the spring of 1765.<sup>19</sup> He pointed out the high value of post Manchac and the importance of opening the Iberville to navigation. He wrote: "The post at the mouth of the river Iberville, on the banks of the Mississippi, has ever struck me, from its situation, as of the greatest consequence to the commerce of West Florida; for it may with reason be supposed that the inhabitants and traders who reside at Pointe Coupée, at Natchitoches, Attacappa, Arcansas, the Illinois, and the post of St. Vincent's on the Ouabache,<sup>20</sup> would rather trade at this place than at New Orleans, if they could have as good returns for their peltry and the produce of their country; for it makes a difference of ten days in their voyage, which is no inconsiderable saving of labour, money, and time."<sup>21</sup>

Besides the desire of wresting trade away from Spain, another consideration of great importance would suggest to England the fortifying of Manchac, and the establishing there of

<sup>16</sup>Iberville relates that he saw that village, where he saw also "a Maypole without branches, reddened with several heads of fish and of bears attached as a sacrifice." "This red pole (baton rouge) is said to have given its name to the present capital of Louisiana." See Fortier, *History of Louisiana*, vol. I, 39, where also another version of the red pole legend is given.

<sup>17</sup>Pittman, op. cit., 9.

<sup>18</sup>*Ibid.*, 14.

<sup>19</sup>*Ibid.*, 11.

<sup>20</sup>Vincennes, Ind.

<sup>21</sup>Pittman, op. cit., 62.

# TRANSLATION

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The houses which make this city are marked in pink on their corresponding lots. These are only huts, which at time of building cost only 80 pesos. The only important buildings are marked A and B, which are the residences of Captain Paoli, and that of the Commander of the Post, which belongs to the King. This last mentioned house, besides being very uncomfortable, is threatening go collapse at any moment.

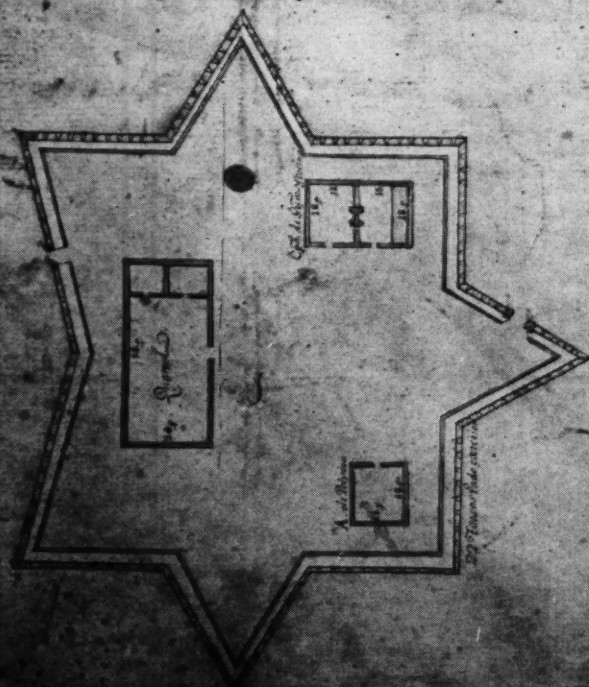
New Orleans, March 4, 1797.

JUAN MA. PENCHET.



Plano proyecto de un nuevo  
castro para Salvez-Town

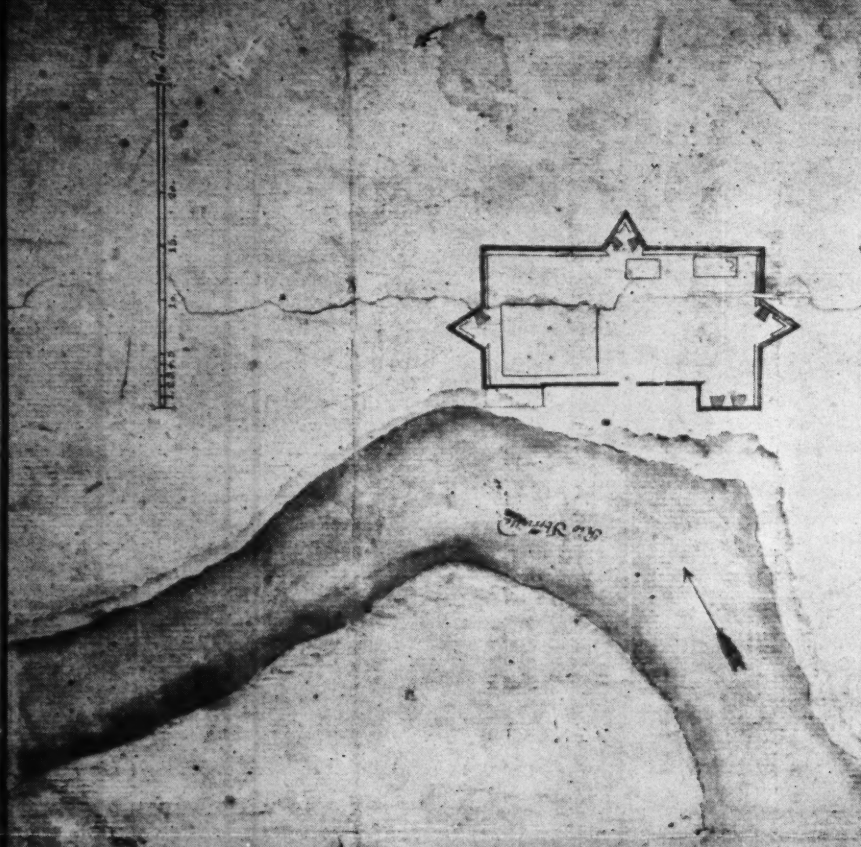
PLAN OF A NEW FORT FOR SALVEZ-TOWN.



Scale in Fathoms

Plano actual de Salvez-Town  
con el estado q  
se halla

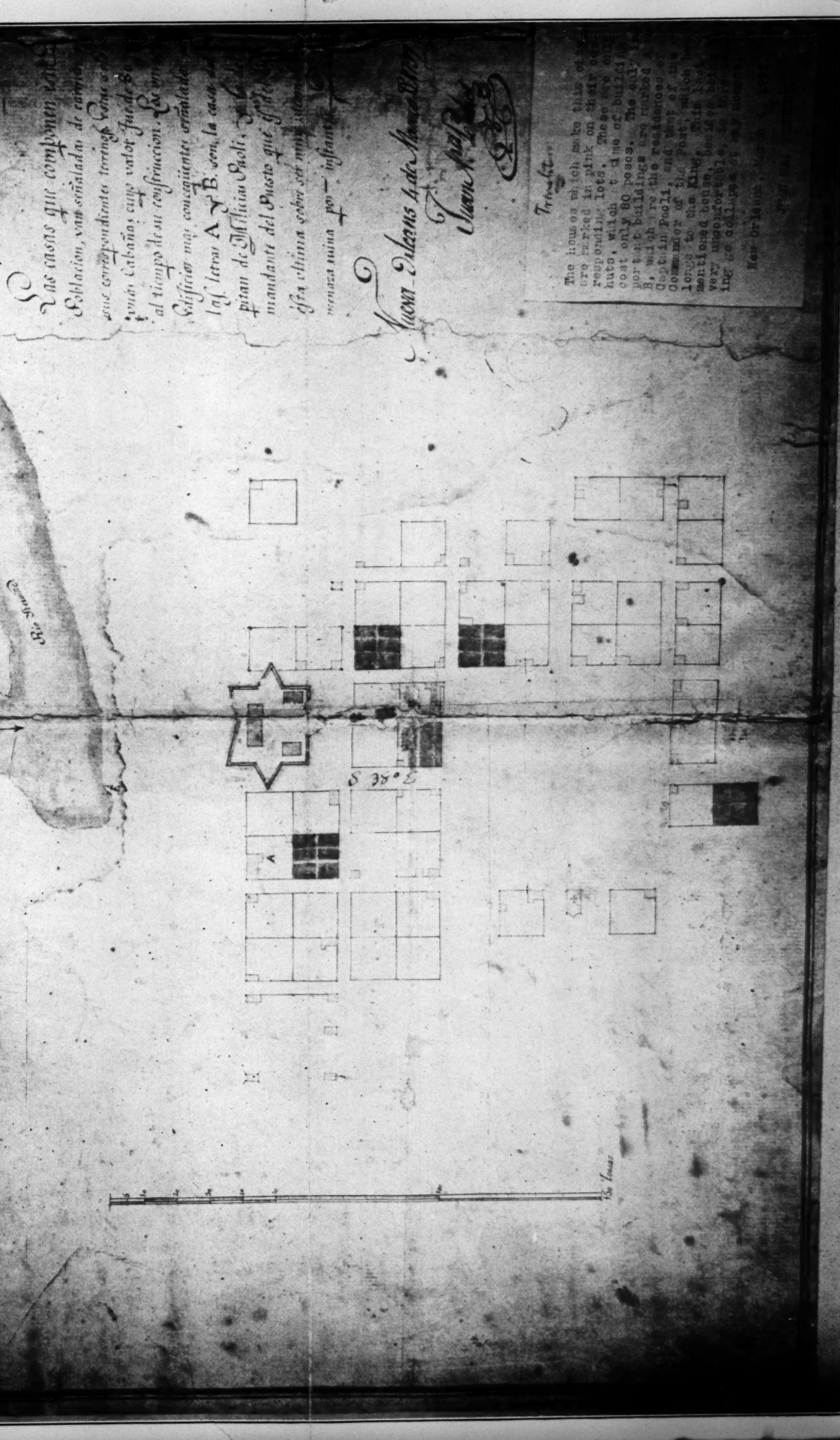
PORT OF SALVEZ-TOWN SHOWING PRESENT STATE



Scale in Fathoms

PLAN OF THE PORT OF SALVEZ-TOWN WITH LOCATION OF THE FORT

Plano que manifiesta la Poblacion de Salvez-Town, con la colocacion del nuevo proyecto.



Las casas que componen esta  
 poblacion, van señaladas de colores  
 que correspondientes tienen con el  
 ymagen de cada una, cuyo valor fue de \$  
 al tiempo de su construccion. Los un  
 edificios mas conseqüentes señalados  
 las letras A y B. con la casa de  
 pñan de M<sup>te</sup> Juan Padi, y el  
 mandante del Puerto que g<sup>o</sup> de  
 esta ciudad sobre ser muy alom  
 menaza ruina por infamia

Nueva Orleans 4 de Mayo 1777  
 Juan A. Padi

The houses which make this city  
 are marked in pink on their cor  
 responding lots. These are only  
 huts, which t time of building  
 cost only 80 pesos. The only  
 portant buildings are marked A  
 B, which are the residences of  
 Captain Padi, and that of the  
 Commander of the Port, which  
 belongs to the King. This last  
 mentioned house, besides being  
 very uncomfortable, is contain  
 ing 50 soldiers of the army

New Orleans



an emporium as well as the affording of trans-shipping facilities. England had successfully fostered the friendship of the Chickasaws, Cherokees, Creeks, and Choctaws who, broadly speaking, inhabited the vast region embraced by the Ohio and Mississippi rivers, the Gulf, and the Appalachians; and English fur traders were very numerous in the midst of those tribes.

They were doing a good business, but were experiencing a great deal of inconvenience, expense, and delay, even at the standards of those days, in sending their freight to Charleston and Savannah through interminable and difficult trails.<sup>22</sup>

It would be easier for the traders to make use of the many water courses that flowed into the Ohio and the Yazoo, and hence into the Mississippi. But English freedom on the great river extended practically only as far as Manchac, that is, the southern boundary of West Florida. Below that point, in spite of the Treaty of Paris, the Mississippi River became, as a matter of fact, a Spanish river. The problem would be solved, and to much better advantage, if English ships could reach the Gulf from Manchac by the shorter route of the Iberville and Amite rivers which led almost directly into Mobile Bay. To use once more Pittman's own words: "The only difficulty that opposes itself to this necessary settlement is the want of a navigation through the river Iberville, so that vessels might carry on a constant intercourse between this place and Pensacola, without going up the Mississippi, which is a tedious navigation."<sup>23</sup>

How hard it was to negotiate a passage on the Iberville may be gathered from the report of Iberville himself who states that "the stream was narrow and so obstructed with fallen trees that in two leagues there were ten portages, on the second day fifty."<sup>24</sup> When England, in 1763, came into possession of what she later named West Florida, conditions on the Iberville had not improved.<sup>25</sup> The French had never thought of developing the navi-

<sup>22</sup>Channing, *op. cit.*, vol. II, 550 f.

<sup>23</sup>Pittman, *op. cit.*, 62 f.

<sup>24</sup>Fortier, *History of Louisiana*, vol. I, 41.

<sup>25</sup>It may not be uninteresting to transcribe here a portion of Pittman's report. "More than six miles of the passage of the river Iberville is choaked up by wood, which has been drawn in by the eddy from the Mississippi at the annual floods. . .

"The river, for six miles below its entrance, is not in general above fifty feet wide; many large trees had fallen across the river, which stopped the logs that were floating down, and so formed a barricade. In the beginning of the year 1764, captain-lieutenant Campbell, undertook to clear the river, and make it navigable; and . . . hired upwards of fifty negroes for that purpose. In the month of October, when the bed of the river was dry, they cut the trees which had fallen across into short logs, and cleared a path-way on the side of the river about eight miles down, throwing the canes and all the rubbish into it; expecting that when the

gation of that river. They had no special reason to. They had removed their provincial capital from Biloxi (to reach which Iberville had sought the shorter route of the Ascantia) to New Orleans which shortly became the centre of the government and the commerce of the whole Mississippi valley.

The political and commercial situation changed when the English extended their dominion to the eastern bank of the Mississippi. To be sure the English made Mobile the governmental seat of West Florida because that harbor was the easiest to reach from the sea; but the greater interest of England in the new territory lay in the great Mississippi valley. On the one hand, English fur traders looked with wistful eyes at the rich trade of the Mississippi, Missouri, Red River, and Arkansas basins. On the other hand, the traders that by this time were almost dotting the country south of the Ohio and west of the Appalachians, were clamoring for an easier outlet to the sea than the long and arduous trail leading to Charleston. For these two purposes, and also to establish direct communications between the western territory of West Florida and its capital at Mobile, England must search for a route of her own, one that be not under the sufferance of Spanish diplomacy, and at the mercy of the Spanish forts of the Balize and New Orleans. Such a route existed. It marked the southern boundary of West Florida and the Isle of Orleans.

It was direct, it was shorter, and it was free from foreign control. Its only drawback was its unfitness for navigation for about ten miles in the upper section of the Iberville. But from Anatamaha, a "fish-place"—as the name implies—on the English side of the Iberville, about eleven miles from the Mississippi, to the Gulf, the whole length of rivers and lakes was navigable throughout the year.<sup>26</sup> On the Iberville itself "sloops and schoon-

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Mississippi should rise it would carry all before it. In December captain Campbell reported that he had made the river perfectly navigable.

"The negroes had unfortunately begun to cut the logs next the Mississippi, and had not cleared the embarrassments that were on the lower parts of the river, which, when the floods came on, intercepted such logs as floated down, and made the river in a worse condition than ever. A post was established in the spring following, and a detachment of thirty soldiers of the thirty-fourth regiment, with officers, and an engineer; they built some huts; and they continued to work at the river, but to as little purpose as the negroes had done before."—Pittman, *op. cit.*, 69 f.

<sup>26</sup>The shallowest places were in Lake Maurepas, where at any rate there were to be found "never less than eight feet going through the lake." "The depth of water from lake Maurepas to the Iberville is from four to nine fathoms." See Pittman, *op. cit.*, 66, 67-68.

ers may come up as far as Anatamaha when the waters are at the lowest, there never being less than twelve feet of water."<sup>27</sup>

The situation then was this: There was a continuous and uninterrupted navigation from Mobile to Anatamaha, on the Iberville, eleven miles off the Mississippi. On the other hand, from Anatamaha to the Mississippi navigation was not possible unless the bayou were widened, deepened in places, and cleared of trees. The government of West Florida became soon interested in the project of opening up that stretch of the impracticable bayou;<sup>28</sup> and Pittman himself suggested a plan. "From Anatamaha," he says, "to the Mississippi I think the trees should be cut down forty feet back from the river side, that a road might be made for carriages when the waters are low, at which time the bed of the river is dry from the Mississippi; when the waters are high it will still be necessary for the navigation, as vessels may be tracked up by horses or men to the Mississippi, in the same manner as lighters in England. The river is too deep for setting conveniently with poles, and too narrow for rowing."<sup>29</sup>

This being the situation, if the Spaniards wish to harass English navigation that henceforth will keep clear of New Orleans and hug the southern boundary of West Florida, it is useless for them to watch the post of Manchac as Bouligny would want them to do.<sup>30</sup> The English might come with their ships as far up as Anatamaha, unload there their cargoes, and transfer them to Manchac or Baton Rouge by wagon. But not even at Tagoulasay<sup>31</sup> on the Iberville, one league below Anatamaha, nor at any other point on the Spanish side of the Iberville is it advisable to place guards and build forts, as the English might leave the Iberville altogether unused, and divert their shipping up the Amite to some point near Baton Rouge. The only place where English commerce may be successfully espied and menaced is, therefore, further down the navigation course; either at the lakes or on the Amite below the confluence of the Iberville, where all vessels must perforce pass. The lakes were out of question. Even to this day there are no settlements from the Gulf to the mouth of the Amite, except fishing posts.

<sup>27</sup>*Ibid.*, 68. The author is of the opinion that Anatamaha was at, or near, the confluence of Ward Creek, which even today is the head of navigation on Bayou Manchac.

<sup>28</sup>*Ibid.*, 13.

<sup>29</sup>*Ibid.*, 68.

<sup>30</sup>Fortier, *History of Louisiana*, vol. II, 53.

<sup>31</sup>See Pittman, *op. cit.*, chart in Appendix.



The land is low everywhere. It is about the same along the whole length of the Amite.<sup>32</sup> We are then forced to conclude that the Spaniards had only one place left for the effective watching of English vessels, a place high above the waters of the Amite just below the confluence of the Iberville. The place was the site of Galveztown. Here, then, the enterprising young Galvez brought Spanish families, placed a Spanish garrison, and built a Spanish fort. As long as the English shall hold West Florida, Galveztown will be a thorn in the flesh of English navigation, and the Spaniards will keep the post armed. Should the British peril vanish, and Spain gain control of West Florida, the *raison d'être* of Galveztown would cease, and the settlement, without interested government support, would deteriorate and go to ruin.

And that is what happened.

### III.

#### THE PEOPLE AND THEIR TRIALS

**G**ALVEZTOWN was a state colony. It was promoted by the state, it was supported by the state, and it hung on the decrepit shoulders of the Spanish state as a ghost that had no life.

It ended in failure, its compensating benefit to Louisiana being an increase—a purely quantitative increase of population. Spain could not have selected a more unfit set of colonists to Hispanize Louisiana. Undoubtedly the aim of Spain in bringing the *Islenos* to the province was to safeguard the interests, and raise the prestige, of the Catholic monarchy where there had never been any love for it, but only that disgruntled submission born of military necessity.

The Louisianians never became reconciled to the transfer of Louisiana to Spain. They did not hide their feelings, but gave free expression to them in truly Gallic effervescence.

Their resentment at being torn away from their mother country was further aggravated by the blind Spanish policy of placing vexatious restrictions on the trade of the province.

The ferment of the first few years rose in rebellion in 1768, and subsequently smoldered beneath a surface resignation after the execrable execution of the patriots willed by O'Reilly.

<sup>32</sup>Pittman, *op. cit.*, 68.

In the face of such a serious situation, the logical policy for Spain to pursue was that of colonizing the province with Spanish born subjects who, in time, would rise to wealth, position, influence, and power; and would bind Louisiana loyally to their mother country. The first steps in this direction were taken in the year 1778, when the settlements of Terre-aux-Boeufs, on the left side of the Mississippi, below New Orleans; Valenzuela, on Bayou Lafourche; and Galveztown, on the Iberville route, were established with colonists from the Canary Islands. These three settlements were ideally located as strategic points of Spanish infiltration. A fourth one was likewise established, the following year, as a vanguard of Hispanism in a more remote section of the province, the Attakappas, on the banks of picturesque Bayou Teche. It was named New Iberia. Galveztown served the double purpose of pacific aggression against the stubborn Gallic nationalism, and military challenge to the impertinence of Great Britain.

It is worth remarking that of all these settlements only New Iberia survives, and that the New Iberians were not Islenos, but came from Malaga. The other three colonies are now remembered only by their names, none of them having endured. There might have been some reason for the early decay of Galveztown, after the cession of West Florida to Spain, as that settlement was now lying off the beaten tracks of commerce. But Terre-aux-Boeufs was almost linked with New Orleans, and Valenzuela lay in the rich and populous Lafourche country, on the banks of a waterway along which wealth grew larger than along the Mississippi itself.

The failure of the Islenos to establish enduringly their settlements in Louisiana is, of itself, no indictment against them; but it becomes one when it is associated with several other circumstances with which it is material to deal. If any descendant of these immigrants ever rose to distinction in any field of human endeavor in Colonial or American Louisiana, it is a question on which the author would not want to give an opinion for lack of data. One thing is certain, that the Galveztown Islenos lost their identity when they abandoned their "promised land," and scattered among the neighboring communities. The Valenzuela ones huddled at the edge of the woods of the upper Lafourche region,<sup>33</sup>

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<sup>33</sup>Brusly Maurin, Brusly St. Martin, and Brusly Sacramento.

where to this day they form backward communities that seem to be in fear of civilization, half savage, ignominiously poor, and until the beginning of the present century absolutely illiterate.

Of the *Terre-aux-Boeufs* Islenos, "the great majority are poor and ignorant. A number of them live on *L'île*, between the Bois del Lacre and Lake Borgne. Few of these have houses; they reside principally in palmetto huts and lead a very primitive life. They all speak Spanish and creole patios, and the children are beginning to learn English."<sup>34</sup>

The Islenos were a people of inferior calibre. When, at the time of the organization of the Galvestown militia, the Commandant, Francisco Collel, proceeded to the appointment of officers, he could find no Spaniard capable of heading the First Company.<sup>35</sup> He gave up in despair, trusting that the next contingent of immigrants from Spain might bring to the colony a better personnel, from which he could pick out his man. If the qualifications deemed necessary for heading so modest a military unit as a rural militia could not be found in the whole population, the lower qualities required for the subaltern position of first lieutenant might be reasonably expected to be present somewhere in one of the Islenos. But here too Collel searched in vain. At last he appointed a Frenchman to the office of first lieutenant; and he was explicit in informing the governor that the only merit he found in that Frenchman, a certain Augustin Brunet, was his ability to converse "with a little more decency than the others, and had no stain in his family."<sup>36</sup>

The very best among the Islenos, one Antonio Diaz, could, at most, be intrusted with a commission of second lieutenant.<sup>37</sup>

Undoubtedly the Islenos had been field laborers in their native country—a caste subject to centuries-old exploitation and submission, steeped in abject poverty, and utterly incapable of improving their lot, or even of aspiring to that. There were no artisans and no traders among them. In Galvestown trade was monopolized by the English and the Americans,<sup>38</sup> and the

<sup>34</sup>Fortier, *op. cit.*, vol. II, 62.

<sup>35</sup>The Second Company was composed exclusively of English speaking men.

<sup>36</sup>The foregoing and following information concerning Galvestonian affairs has been gathered from letters of Collel to Galvez. These documents are comprised in the huge collection of *Papeles Procedentes de Cuba* (Papers Proceeding from Cuba), which will be quoted thus: PPC. Leg. stands for Legajo or bundle of documents. On the subject of the militia appointments see PPC, Leg. 2351, Collel to Galvez, June 27, 1779.

<sup>37</sup>PPC, Leg. 2351, Roster of the First Company, June 16th, 1779.

<sup>38</sup>PPC, Leg. 2351, Collel to Galvez, July 26, 1779.



Islenos were helplessly at their mercy. If the latter sold to the English whatever produce they could bring forth from the soil or spare from their fare, or sold them their labor, they were usually unable to collect what was due them,<sup>39</sup> and the Commandant could not remedy the evil. The carpenters that at one time or another were engaged in the building of the new community, were English, or French, or Acadians.<sup>40</sup>

The Islenos seem to have been incapable of providing for themselves even the most primitive household and community utilities. When mills were needed to crush the people's corn, no Isleno was able to construct one, but a request was sent to Galvez to send one from New Orleans; and Maxent from the central commissariat contracted with an Acadian for the construction of two.<sup>41</sup> When Collel decided that he needed some small boats and pirogues for the several purposes of war, no Isleno could come to the assistance of his king, and the boats were purchased from two Englishmen<sup>42</sup> who appear to have been not only the possessors but also the makers of those boats.

Collel never intrusted Islenos with any task. In their native land they and their fathers had only obeyed, had been driven, and had never had the opportunity of developing self-reliance, or of taking care of their own affairs, for they had no affairs to take care of. We shall see later how utterly unable were they to lend any assistance for the defense of their own homes on the night when an English attack was feared.

Their incapacity is shown in another instance. When five slaves escaped from Galveztown (three of whom belonged to the king, and their capture would not only be a service to the community, but to his Catholic Majesty as well), no Islenos were honored by the Commandant with the task of capturing the fugitives, and thus serving the king under whom they and their fathers were born; but that commission was given to five Americans.<sup>43</sup> A colony made up of such material could scarcely be expected to flourish.

The inborn unfitness of the Islenos to that type of initiative and self-reliance so characteristic of the English and French settlers of North America was shut out of any possible chance of

<sup>39</sup>PPC, Leg. 2351, Collel to Galvez, July 5, 1779.

<sup>40</sup>PPC, Leg. 2351, Collel to Galvez, January 15, 1779, and January 22, 1779.

<sup>41</sup>PPC, Leg. 2351, Collel to Galvez, May 10, 1779.

<sup>42</sup>PPC, Leg. 2351, Collel to Galvez, July 31, 1779.

<sup>43</sup>PPC, Leg. 2351, Collel to Galvez, Dec. 9, 1779.

developing under the paternal system that brought them to, and maintained them in, the new world. They were "brought over at the king's expense from the Canary Islands. A house was built for each family, and a church in each settlement. They were supplied with cattle, fowls and farming utensils; rations were furnished them for a period of four years out of the king's stores, and considerable pecuniary assistance was also afforded them."<sup>44</sup>

As it has been said elsewhere, the Islenos did not lay the foundations of Galveztown, but were added to the original English and American settlers who had started the little village, and had named it after Galvez. That young grandee was appointed provisional governor of Louisiana on the tenth of July, 1776, and "entered on the duties of his office on the first of January, 1777."<sup>45</sup> The settlement must then have been started not earlier than the second half of 1776, and probably as late as the first half of the year 1778. The second date seems the more probable. The English speaking pioneers and others of the same race that followed them, must have comprised from two to three dozen families, since, in the summer of 1779, there were among them thirty-three men capable of bearing arms.<sup>46</sup> Their superiority over the Islenos is witnessed to by Collel's correspondence.

The Spanish colonists, that were added, in 1778, to the original English nucleus, must have slightly exceeded three dozen families, as it may be gathered from the same and other sources. They were placed economically and politically under the direction of Maximilian Maxent who was, after a few months, promoted to a higher administrative position in New Orleans. He was succeeded by Francisco Collel with whom we shall become better acquainted. Collel held the office of Commandant which had been created, in all the posts and settlements of the province, by the Spaniards, in 1769, and was concentrative of all the functions of local government. Martin says that "in every parish, an officer of the army or militia, of no higher grade than a captain, was stationed as civil and military commandant. His duty was to attend to the police of the parish and preserve its peace. He was instructed to examine the passports of all travellers, and suffer no one to settle, within his jurisdiction, without the license

<sup>44</sup>Martin, *op. cit.*, 224.

<sup>45</sup>Martin, *op. cit.*, 222.

<sup>46</sup>Roster of the Second Militia Company; PPC, Leg. 2351, document dated June 27, 1779.



of the governor. He had jurisdiction of all civil cases in which the value of the object in dispute did not exceed twenty dollars. In more important cases he received the petition and answer, took down the testimony, and transmitted the whole to the governor, by whom the record was sent to the proper tribunal. He had the power to punish slaves, and arrest and imprison free persons charged with offenses, and was bound to transmit immediate information of the arrest, with a transcript of the evidence, to the governor, by whose order the accused was either discharged or sent to the city. They acted also as notaries public, and made inventories and sales of the estates of the deceased, and attended to the execution of judgments rendered in the city against defendants who resided in the parish.

When the commandant was taken from the army, he continued to receive the pay and emoluments of his rank. When he was not, and had not any pension from the king, an annual sum of one hundred dollars was paid him from the treasury, for stationery and other small expenses. All were entitled to fees in the exercise of judicial and notarial functions."<sup>47</sup>

With so much power concentrated in the hands of the commandant, it is not surprising that around him revolves the life of such a paternalistic colony as Galveztown, and that his letters and reports are the best, if not indeed the only, source of our knowledge of the history of the Old Spanish Town. From Collel's correspondence we see that scarcely did a month pass, during the year 1779, before the opening of hostilities with Great Britain, that did not witness the arrival in Galveztown of newcomers that materially increased its population. Families were sent usually one dozen, more or less, at a time.<sup>48</sup> Now and then English, French, and Germans would also seek a homestead.<sup>49</sup> Fourteen families making a total of fifty-four persons came over on January 19.<sup>50</sup> On February 14, fourteen more families, these too making an aggregate of fifty-four persons, reached the settlement; and the buoyant commandant apprized his superior that he could meet the "English arrogance" with one hundred sixty individuals.<sup>51</sup> From that time to July 3, twenty-five more families' com-

<sup>47</sup>Martin, *op. cit.*, 212.

<sup>48</sup>PPC, Leg. 1, Collel to Galvez, February 16, 1779; also Leg. 2351, letters of January 22, April 1, July 5, 1779.

<sup>49</sup>PPC, Leg. 1, Collel to Galvez, February 16, 1779; also Leg. 2351, one letter dated December, 1778; another of January 22, 1779.

<sup>50</sup>PPC, Leg. 2351, Collel to Galvez, January 22, 1779.

<sup>51</sup>PPC, Leg. 1, Collel to Galvez, February 16, 1779.

prising ninety-five persons joined the booming town,<sup>52</sup> besides two Englishmen with their slaves and households, and three Frenchmen.<sup>53</sup> In the month of August the population reached the number of four hundred,<sup>54</sup> which seems to have been the high water mark in the whole existence of that Spanish settlement.

After that year, owing to the loss of interest of the Spanish government in the now harmless and secure Iberville waterway, the population of Galveztown made no further gains, but rather was reduced to two-thirds of its former size. The census of 1785 fixes it at two hundred forty-two souls;<sup>55</sup> while that of 1788 credits it with two hundred sixty-eight.<sup>56</sup>

The census of 1793 shows that, in that year, there were living in Galveztown and its surrounding district (the figures of the other censuses are to be understood as including also the country tributary to Galveztown) eighty-four families aggregating two hundred sixty-two people.<sup>57</sup>

A closer study of the last mentioned census will yield interesting information. In Galveztown proper there were living, in that year, thirty-five families amounting to a whole of one hundred thirty-five souls. With the exception of one French, one German, and one Creole family, and an Irishman, the rest were Spaniards. Every Spaniard was a member of a household (the Spanish families being twenty-eight in all), with the exception of four single men. The whole Spanish population reached a total of one hundred twenty-six. When we recall that in the period alone from January 19 to July 5, 1779, sixty-three Spanish families totalling two hundred three persons reached Galveztown, we can readily see that either disease wiped the *Islenos* away, or else they abandoned the Amite shores and migrated to better places.

Another thing worth noticing is the concentration of the Spaniards in the town proper, and their absolute absence from the surrounding district, which, at Amite, in Lafourche, along the bayous, and on the prairie,<sup>58</sup> was inhabited by settlers of

<sup>52</sup>PPC., Leg. 2351, Collet to Galvez, April 1, May 29, July 5, 1779.

<sup>53</sup>PPC., Leg. 2351, Collet to Galvez, August 23, 1779.

<sup>54</sup>Omitted in manuscript.

<sup>55</sup>Martin, *op. cit.*, 240.

<sup>56</sup>*Ibid.*, 251.

<sup>57</sup>PPC., Leg. 27, Poblacion de la Villa de Galvez-town.

<sup>58</sup>The author sees in the "prairie" of this document the Prairieville of today, in Ascension Parish.

other nationalities. These were divided thus: 51 Germans, 44 Americans, 16 Irish, 15 French, 5 Italians, 4 Maltese, and 1 English. The Americans were mostly single men.

The persistence of the *Islenos* in huddling like sheep in a village, eking out a miserable existence, and slowly dying away, confirms the impression one receives from Collel's correspondence, namely, that when they were given their lands, it was in the town that they were required to build their homes, and not in their several farms. This practice would suit their former mode of living. Scattered farmhouses are unknown in Southern Europe, where the agricultural population live in towns and villages, from which they attend to the cultivation of the soil at so evident a loss of time. Then too the *Islenos* had been receiving their daily rations from the king for a contracted period of four years. Once embarked on a like undertaking, a government finds it difficult to pull out; on the contrary, and especially when confronted with disease, floods, and failures of crops, such as took place in Galveztown,<sup>59</sup> it becomes more deeply involved. A like situation becomes more serious when, besides a wrong governmental policy, there is also a dulled human factor to reckon with. No stimulus then may be expected from any source. It is not, therefore, improbable that, under similar conditions, the state continued to support the helpless *Islenos*, and became responsible for their complete isolation, in 1793, within the confines of the village.

We would not now expect to see an improvement in the picture. The colors become more sombre, till in 1796 we come across this dark statement: "The population consists of one hundred nine souls that comprise twenty-one families. They live in the most abject want and misery; in habitual idleness within the little village, scarcely able to provide themselves with those things that are necessary to a painful existence. They reside in miserable cabins."<sup>60</sup>

When Dr. Watkins visited Galveztown, early in 1804, as the representative of Governor Claiborne, he found "but about twenty-eight families in the whole of that part of the district which remains to the United States and not above twenty-five

<sup>59</sup>See PPC, Collel's letters; also Notes on the Port of Galveztown. This document is dated December 29, 1796. It may be found in the Department of Archives and History; Jackson, Miss.

<sup>60</sup>*Ibid.*



or thirty slaves. The inhabitants of the country in general speak English, the balance who will reside in the town are chiefly Spaniards, poor and very miserable."<sup>61</sup>

Twelve years later Galveztown was described as "the only place in this parish yet known as a village; and though its situation is highly important in many respects, it remains of little consequence, consisting of a few ruined wooden houses."<sup>62</sup>

Under the paternal arrangement that brought the Islenos to Galveztown, each family was to be provided with a house at the expense of the state. There were at least half a dozen carpenters at one time in Galveztown; but building operations could not keep pace with the augmenting needs of the home-seekers. More inhabitants were being sent to Galveztown than Collel could provide for. The house shortage was not confined to the first few months of the year 1779, but continued as long as Collel's tenure of office, and, in fact, throughout the whole Spanish regime. Now the contractor would fall short in his work, and move to English territory;<sup>63</sup> now from New Orleans the commissariat would send the wrong nails;<sup>64</sup> now the floods would prevent access to the woods and the making of lumber;<sup>65</sup> these and other reasons stood in the way of constructing enough houses to meet the growing demand of the community.

The dwellings built at this time are described as cabins, thirty-two feet long and sixteen wide, with a porch on one side. They cost \$100 apiece.<sup>66</sup> In January, 1779, several families were expected to arrive. To lodge them temporarily, Galvez insisted on the prompt building of four cabins. With an eye to business, he recommended that they be built in a central location; so that after having served their temporary purpose, they might be sold. Collel had them built on First Street. At the same time instructions were issued to the effect that, if these lodgings were not ready for occupancy at the arrival of the families, other quarters be rented for their accommodation, at the king's expense.<sup>67</sup> Collel took no chances. A Mr. Fitzpatrick who had offered to build the cabins, left the town and

<sup>61</sup>Robertson, *op. cit.*, 315, f.

<sup>62</sup>Darby, W. A., *A Geographical Description of the State of Louisiana*, Philadelphia, 1816, page 201.

<sup>63</sup>PPC, Leg. 2351, Collel to Galvez, January 15, 1779.

<sup>64</sup>PPC, Leg. 2351, Collel to Galvez, December, 1778.

<sup>65</sup>PPC, Leg. 2351, Collel to Galvez, June 2, 1779.

<sup>66</sup>PPC, Leg. 2351, Collel to Galvez, December 31, 1778.

<sup>67</sup>PPC, Leg. 2351, Collel to Galvez, December 31, 1778.

went to Pensacola; but the job was given to four English carpenters. At the same time the Commandant rented sufficient quarters to accommodate fifty people.<sup>68</sup> Afterwards Collel was praised for the creditable manner in which he handled that batch of immigrants.

A serious defect of the early constructions of Galveztown was that they were entirely too low, especially for a southern climate, measuring only seven and a half feet from floor to roof. Collel did not fail to advise the governor that this fault had better be remedied in the future. The Americans were building their houses nine feet high.<sup>69</sup>

When a second batch of immigrants arrived in February, the dwelling capacity of the settlement was taxed to the limit; and Collel advised the governor that he had no means of taking care of new arrivals, and refused admission to stray home-seekers.<sup>70</sup>

The first dwellings built at the king's expense were reported finished on May 1, 1779. At that same time negroes were clearing what was to be the plaza of the Spanish town.

They then were to clear the land where streets were to be laid. Then trees were to be cut down for a distance of five arpents around the whole town; thus opening a clear sweep for the breezes to blow freely and scatter away the poisonous humors of the wilderness. Repeatedly does Collel speak of the benefits coming to the public health from the clearing of the forest. Thus the Spanish town was slowly emerging from the recesses of the American wilderness, on the high banks of the Amite, until, on May 20, 1779, Collel could write that he was highly pleased with the way things were taking shape in Galveztown.

The town was laid in equal squares bearing a number, and each square was subdivided in lettered lots.<sup>71</sup>

Building operations did not include private dwellings alone; but care was taken for the erection of other structures essential in a civilized community. Elsewhere we shall deal with the circumstances that accompanied the building of the parish church. While provisions were made for the satisfaction of the spiritual needs of the community, measures were taken

<sup>68</sup>PPC, Leg. 2351, Collel to Galvez, January 15, 1779.

<sup>69</sup>PPC, Leg. 1, Collel to Galvez, February 16, 1779.

<sup>70</sup>PPC, Leg. 2351, Collel to Galvez, April 1, 1779.

<sup>71</sup>PPC, Leg. 2351, Collel to Galvez, January 15 and 22, 1779. See also Perchet's map.

to afford an outlet to the baser ones that are present wherever men congregate. On May 1, Collel handed to one Mr. Graham the sum of \$110 for the building of a coffee house. The jail was also built at this time.<sup>72</sup> It was a single room, twenty-two feet by twelve, adjoining the soldiers' dormitory.<sup>73</sup>

Where the settlers were to be taken care of by the king, the erection of a hospital might not be neglected. One was built in Galvestown,<sup>74</sup> and it proved to be only too small for the appalling number of patients.<sup>75</sup> The main reason why the coming of summer pushed building operations to unprecedented speed was the alarming increase of sickness.

The hospital was full, several families were crowded in one cabin, and one of the wise policies towards arresting the implacable advance of diseases was the providing of new dwellings. "Every house is a hospital," wrote Collel on July 26.

Disease was one of the chief obstacles to the development of the Spanish settlement. Like every other American colony since the establishment of Jamestown, Galvestown passed through a trying series of misfortunes, each one severe enough to discourage stouter hearts than the Islenos.

The first warmth of the spring of 1779 came laden with disease, and, on March 1, Collel sent a request to Galvez for a Spanish physician and sundry hospital articles. At another place it will be stated that the physician arrived on April 29. Before that time an English doctor, from Post Graham, had been attending to the sick Islenos, and, even as the merchants of his own race, he did not fail to overcharge for his services. At one time he put in a bill of \$139;<sup>76</sup> but the capable Collel obtained a reduction of \$39.<sup>77</sup> Collel was later accused of appropriating the \$39; but in order that his "honor might be protected and clean," he showed the governor how he had spent that sum.<sup>78</sup>

With the twenty-third of April, one week before the arrival of the Spanish physician, starts a long series of letters bearing disheartening reports on the poor state of the public health.

<sup>72</sup>PPC, Leg. 2351, Collel to Galvez, May 20, 1779.

<sup>73</sup>PPC, Leg. 2351, plan of the Fort of Galvestown; dated August 14, 1779.

<sup>74</sup>PPC, Leg. 2351, Collel to Galvez, May 20, 1779.

<sup>75</sup>Omitted in Manuscript.

<sup>76</sup>PPC, Leg. 2351, Collel to Galvez, June 15, 1779.

<sup>77</sup>PPC, Leg. 2351, Collel to Galvez, June 27, 1779.

<sup>78</sup>PPC, Leg. 2, Collel to Galvez, June 14, 1780.



Calenture, or virulent tropical disease, had made its appearance, and, by the end of the month, everybody in Galveztown had the mange. The latter disease was fatal especially to the children, six of whom died of it in that month.<sup>79</sup>

On May 4 and 5, English boats passed by Galveztown with negroes aboard afflicted with small pox. Collel took energetic measures to prevent the coming ashore of anyone on these boats, or the going of any inhabitant to the vessels from ashore; and felt confident that no contagion would be experienced. Whether his hopes were realized we do not know; but that year the small pox made many victims in the province. The greatest ravages in Galveztown were wrought by calenture. The number of victims was increasing daily, and the epidemic became more dangerous because no proper means were at hand to fight it. Collel pitifully cried for mattresses for the hospital, and for the most essential remedies, which were wine, olive oil, vinegar, brandy, and chickens;<sup>80</sup> and pushed forward the completion of the buildings under construction in order to relieve the murderous congestion.<sup>81</sup> But this measure was not sufficient to check the spread of the disease, which made more inroads by midsummer, when the sun was at its hottest.<sup>82</sup>

In those days there was nothing like the modern conservation and distribution of food, and the constant supply of fresh edibles due to cold storage and our rapid means of transportation. Collel was, accordingly, lamenting a total want of fresh eatables;<sup>83</sup> and his poor Islenos were being fed, while sick, on salted meat and pork, which intensified and complicated their sufferings by causing what he terms "escarbuto" or disease of the skin. With the inhabitants sick, or nursing the sick, no one was found to cultivate the crops, and "the plantations became a total ruin." The unhappy commandant could say with reason: "All this sickness gives me much pain, especially at seeing that I can bring no remedy."<sup>84</sup>

In the midst of such a pitiful condition war clouds burst over Galveztown. Men heavy laden with anxieties, fresh exiles still longing for the unbroken tranquillity of their home islands,

<sup>79</sup>PPC, Leg. 2351, Collel to Galvez, May 1, 1779.

<sup>80</sup>*Ibid.*

<sup>81</sup>PPC, Leg. 2351, Collel to Galvez, June 2, 1779.

<sup>82</sup>PPC, Leg. 2351, Collel to Galvez, July 5, 1779.

<sup>83</sup>*Ibid.*

<sup>84</sup>PPC, Leg. 2351, Collel to Galvez, July 26, 1779.

ill fed, emaciated, and scarcely able to stand on their feet, were commanded to leave their sick wives and children in their miserable cabins, and fell trees, saw timber, haul dirt for the building of the redoubt around the barracks and the other public buildings; and otherwise stand ready to meet an attack from the hated English. Only when the weather cooled did the epidemic decline; and Collel attributed it to the heavy rain of six continuous days.<sup>85</sup>

Two years later there were in Galveztown more sick people than ever before.<sup>86</sup>

Another distressing difficulty the infant colony had to contend with was the extreme scarcity of food, which at times amounted to real famine. The undertaking of supporting with daily rations so many families, not only in Galveztown, but also at Terre-aux-Boeufs, Valenzuela, and New Iberia, proved a harder job to handle than the Spanish authorities had anticipated, with the result that, quite frequently, the inhabitants were faced with starvation. The records on hand show that the very first arrival of families, in January, 1779, found the state's stores in Galveztown insufficiently provided to meet the increased demand; and Collel who had anticipated trouble, suggested in advance that the families bring from New Orleans as much food as they could be given, as well as the utensils for the cultivation of the land.<sup>87</sup>

The next group of immigrants which came in February, found the state allowance so insufficient that they bitterly remonstrated with the Commandant. Collel was left no alternative but to meet their ugly mood with a strong hand. He read them Article 31 of the Penal Laws "that they might not plead ignorant of the law if they broke its provisions."<sup>88</sup> But articles of law do not fill empty stomachs or quiet angry hearts; and new complaints broke out among the suffering people. For three weeks they were fed daily on salted meat and corn. They wanted also rice and peas; but all Collel could do was to lie to them by promising things that he was not sure he could fulfill.<sup>89</sup> Some time later he had to answer to the charges that he had not handled the commissary affairs properly, and had let the people suffer. He

<sup>85</sup>PPC, Leg. 2351, Collel to Galvez, November 4, 1779.

<sup>86</sup>PPC, Leg. 608, No. 12, Collel to Juan Ventura Morales, July 2, 1781.

<sup>87</sup>PPC, Leg. 2351, Collel to Galvez, January 15, 1779.

<sup>88</sup>PPC, Leg. 2351, Collel to Galvez, March 1, 1779.

<sup>89</sup>PPC, Leg. 2351, Collel to Galvez, April 1, 1779.



retorted that if at times, for two or three days, there was no food to pass around, he would give the people money wherewith to buy their food; and boldly hinted that the fault lay with the central commissary at New Orleans which sent provisions neither systematically nor sufficiently.<sup>90</sup> Be it said to Collel's credit that in nearly every one of his letters to the governor he informed the latter about the chronic insufficiency of the Galveztown store, and begged him to remedy the situation. Collel's later proposal was the utilization of the warehouses at Manchac as a central depot of grain and provisions.<sup>91</sup>

The unsatisfactory situation of the spring, 1779, was such that the governor had to intervene. He ordered Collel to assemble the people together and deliver them a message on his part. Probably it was a promise that the people would not be left to suffer long, but measures would be taken to improve their present lot. They seemed satisfied with the promise.<sup>92</sup>

The corn the families were receiving was scarcely of any benefit to them since they had no facilities for milling and baking. Each family would then do the best it could. In their old country the Islenos were accustomed to bake their bread at semipublic ovens, that is, ovens owned privately where at set days the housewives would bring their flour, make it into dough, and bake it into bread. They would either contribute their share of the fuel or pay for it, and pay also for the common use of the oven either in money or bread. Evidently the Islenos could not think of any other arrangement in America, for they asked Collel that besides being furnished with mills, an oven be constructed for them, to which request the governor from New Orleans acceded cheerfully.<sup>93</sup>

The scarcity of provisions continued in spite of the good will of the governor and the commandant. Fearing a famine, Maxent, the superintendent of the central commissary, contracted with the English firm of Blomar and Graham for the purchase of three hundred barrels of corn. The merchants either did not furnish the goods, or else (what seems more likely from the tone of Collel's report) cheated the Spaniards by selling corn unfit for human consumption. The result was actual want in the settlement where, for two days, nothing was available from the

<sup>90</sup>PPC, Leg. 2351, Collel to Galvez, December 9, 1779.

<sup>91</sup>PPC, Leg. 2351, Collel to Galvez, December 9, 1779.

<sup>92</sup>PPC, Leg. 2351, Collel to Galvez, May 1, 1779.

<sup>93</sup>PPC, Leg. 2351, Collel to Galvez, May 10, 1779.

king's stores; and Collel had to borrow some rice to satisfy the people's hunger. "I know that this news will cause you sorrow," wrote Collel to the governor.<sup>94</sup> In July the famine stage was reached. For six days Collel distributed half a real<sup>95</sup> to every family, and half a pound of fresh meat which was obtained by killing the cattle of some Acadians.<sup>96</sup> It is not surprising that under these circumstances English merchants were profiteering. The capture of English supplies, in September, must have relieved the situation, even though prizes of war belonged to the king. The next time the Islenos were served with fresh meat was on the first week in November, when a cattle disease threatened the king's ranch with destruction. The animals were killed before the disease attacked them.<sup>97</sup> After two years the prospects of starvation were more serious than ever, and Collel was advising his superiors that he expected the unfortunate Islenos "would perish miserably."<sup>98</sup>

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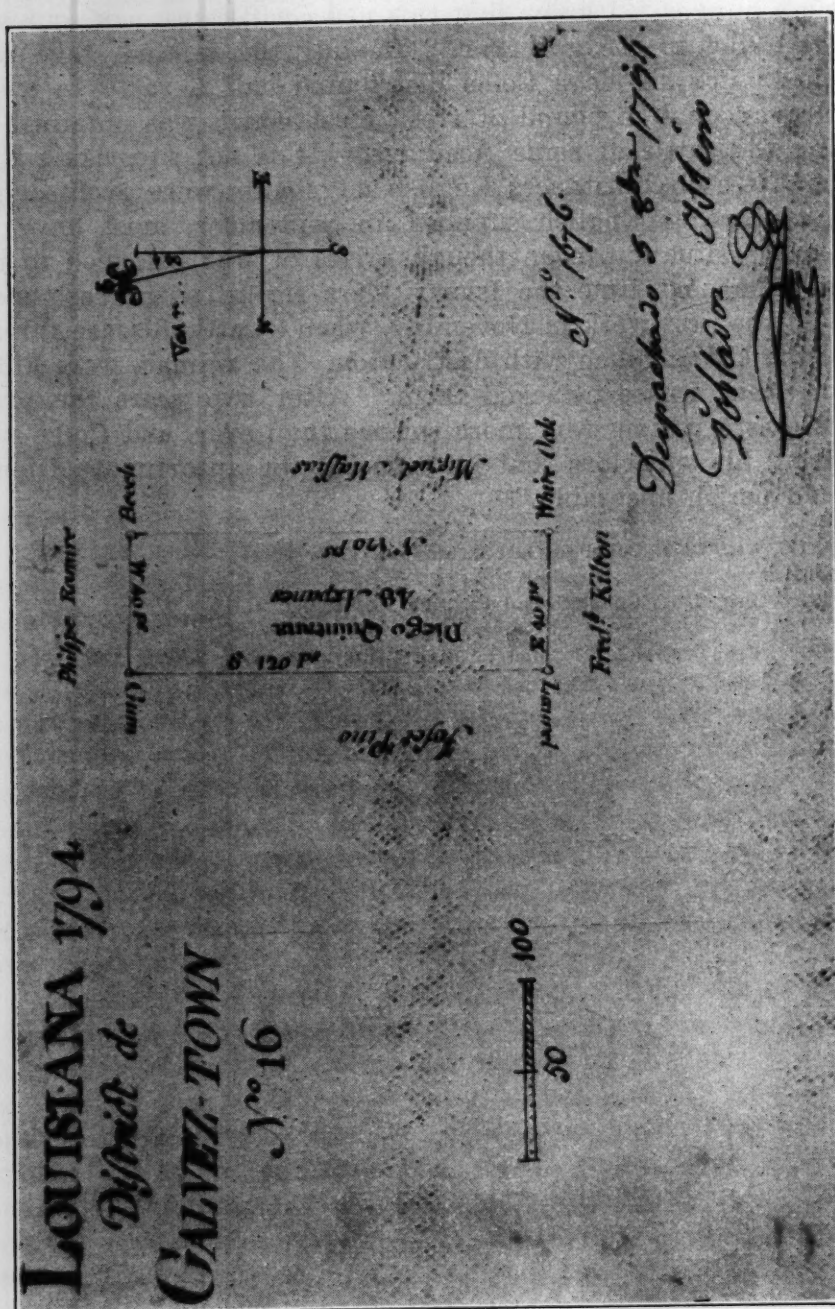
<sup>94</sup>PPC, Leg. 2351, Collel to Galvez, May 20, 1779.

<sup>95</sup>6 1/2 cents.

<sup>96</sup>PPC, Leg. 2351, Collel to Galvez, July 26, 1779.

<sup>97</sup>PPC, Leg. 2351, Collel to Galvez, November 4, 1779.

<sup>98</sup>PPC, Leg. 608, No. 12, Collel to Juan Ventura Morales, July 2, 1781.





## IV.

## WAR DAYS

THE entrance of Spain in the war against Great Britain, in 1779, showed the wisdom of the Spanish policy of erecting Galveztown as a look-out station on the direct water route of Great Britain's posts on the Mississippi and the Gulf. On April 12, 1779, Spain became an ally of France, and lost no time in getting ready to take part in the conflict that the American Colonies had started. She declared war on June 16,<sup>99</sup> and on July 8 his Catholic Majesty authorized his subjects in America to enter the fray. Galvez, in New Orleans, got the news no later than August 9,<sup>100</sup> and moved rapidly to attack the still unaware enemy.<sup>101</sup> He was delayed a few days by a hurricane that wrought much damage on August 18, and sank several of his vessels that had been fitted for the expedition against the British posts on the Mississippi.<sup>102</sup> On August 27, he left New Orleans, and on September 7 took Manchac.<sup>103</sup> On September 21, the British garrison at Baton Rouge, under the command of Colonel Dickson, surrendered to Galvez.<sup>104</sup> Galveztown and its Commandant, Francisco Collel, gave a creditable account of themselves during this campaign, and it is with their activities that we shall be concerned in the following pages.

As far back as February 27, 1779, war clouds had begun to gather around Galveztown. For some time Great Britain had discontinued the transportation of troops through the supposedly free Mississippi, and was using the Iberville route in spite of its more laborious navigation.<sup>105</sup> The British had every reason for

<sup>99</sup>Cross, A. L., *A Shorter History of England and Greater Britain*, New York, 1921, 534. See also Lecky, W. E. H., *History of England*, New York, 1882, vol. IV, 119. Martin and Fortier assign May 8 as the day of Spain's declaration of war.

<sup>100</sup>Letter of Major-General Campbell to Lord George Germain, dated Pensacola, December 15, 1779; in *The Morning Chronicle and London Advertiser*, London, April 3, 1780; reprinted in *Official Bulletin of the National Society of the Sons of the American Revolution*, June, 1923, 72 f. *Note by Editor of the Quarterly*—This is also printed in *Louisiana Historical Quarterly*, 12:255 April, 1929.

<sup>101</sup>*Ibid.*, 73.

<sup>102</sup>Fortier, *History of Louisiana*, vol. II, 63.

<sup>103</sup>The Louisiana historians are unanimous in telling that Manchac was taken by assault. In this connection it will not be uninteresting to state that the British had reached the conclusion that that position was untenable, and, accordingly, the main body of troops was withdrawn to Baton Rouge, and only a small detachment was left for the defense of Manchac. See the report of Lieutenant-Colonel Dickson reprinted in *Off. Bull. of the Sons of the Amer. Rev.*, June, 1923, 73 f.

<sup>104</sup>Cf. a letter of Dickson, *Ibid.*, 73.

<sup>105</sup>This tendency was manifested at the outset of the British occupation of West Florida. Part of the men of Major Arthur Loftus on their way up to the Illinois, in 1764, went by the Iberville route. See Martin, *op. cit.*, 195; also Pittman, *op. cit.*, 10.

wishing to avoid Balize, New Orleans, and the other observation points of the Spaniards along the Mississippi. For one thing, of late, representatives of the American Colonies were in New Orleans gathering information and war material. The British had a better chance of keeping their movements unknown to the Spanish authorities and the Colonial spies if they used the Iberville route. At any rate this route offered at least the advantage of being several days shorter.

On February 27, 1779, seven British schooners with one hundred eighty soldiers aboard, including the officers, passed through Galveztown on their way to the Mississippi posts. On the following day three more schooners followed with sixty soldiers. Lieutenant-Colonel Dickson, who was in command, went ashore at Galveztown, and paid his respects to the Commandant who entertained him officially, and both drank to the health of their Catholic and Britannic Majesties, and of their Excellencies Governor Galvez and General Campbell. The following day the Commandant was entertained by the Colonel, and toasts were again exchanged. While among the British, Collel was impressed with the extreme youth and apparent inexperience of the officers. He even found out that Colonel Dickson had confided to Louis Graham, an English engineer who was building a fort near Galveztown, that he placed no confidence in any of them. The schooners proceeded as far up as Anatamaha, and Colonel Dickson asked Collel to send him men with small boats to help him freight over his troops and supplies to Manchac. And how well supplied were those Englishmen. Why, of flour alone they had three hundred barrels.

But, on the other hand, they were so poorly clad that Collel describes them as being "wholly naked." Apparently the meeting of Dickson and Collel was a love feast. The former had even hinted at a British friendship with Spain; but Collel suspected that Britisher was effusive because he needed those small boats and "for general diplomatic effect." Collel was keeping his eyes wide open especially because it was rumored that within ten days General Campbell would come up himself with a still larger division.<sup>106</sup>

It was at this time that the British were building a fort in the vicinity of Galveztown.<sup>107</sup> The failure of Campbell to make

<sup>106</sup>PPC, Leg. 2351, Collel to Galvez, March 1, 1779.

<sup>107</sup>PPC, Leg. 2351, Collel to Galvez, March 1, 1779.

Bayou Manchac navigable did not discourage the British. The improvement was a necessary one, and could not be given up without a further trial; accordingly a detachment of the 34th regiment continued the work, and when this force joined its regiment in the Illinois, a few men were left for the same purpose.<sup>108</sup> But they did not stay long, for the Indians pillaged the post; and the few Englishmen escaped with their lives. Some time later a detachment of Scotch fusileers were dispatched to repossess the post.

"They built a small stockaded fort, which continued to be garrisoned by the troops from Pensacola in the year 1768," but a little while afterwards it was abandoned again.<sup>109</sup>

The building up of Galveztown revived the old British plan of a fort on the banks of the Amite, and Graham was commissioned to build one. Unfortunately the site he chose, being too low, was completely overflowed in March, 1779, and for that reason it was abandoned, and a new site was chosen on a more elevated terrace also on the banks of the Amite.<sup>110</sup>

The new fort was named Graham after its builder, and it served as a warehouse for the provisioning of the troops of Manchac, Baton Rouge, and Natchez. On the night of August 30 the British abandoned the place and joined the main force in Manchac, after having thrown in the water their meat, flour, rum, and all the provisions they had as well as a batteau or flat boat.<sup>111</sup>

Besides the general quarrel with the English as determined by the policies of both governments, Collel and Galveztown had joined an issue of their own with the English authorities of the nearby Fort Graham and some of the Englishmen living and doing business in Galveztown. Of course, these local disagreements were not responsible in the least for the declaration and the conduct of the war; but were they not a miniature reflection of that unbroken strife of centuries that characterized the relations of Englishmen and Spaniards in every foot of land and every fathom of water where Spaniards advanced a claim and Englishmen sailed a ship? Spaniards and Englishmen were not

<sup>108</sup>See foot note No. 25.

<sup>109</sup>Pittman, *op. cit.*, 70-71.

<sup>110</sup>PPC, Leg. 2351, Collel to Galvez, April 1, 1779. On June 2, Collel reported that the English were going to build a city, and not merely a post on that site. They had a garrison of forty men and many negroes clearing the land; but he doubted that this rumor was true. The post was twice re-enforced, and kept the Galveztonians worried. See PPC, Leg. 2351, Collel to Galvez, June 2, July 5, August 30, 1779.

<sup>111</sup>PPC, Leg. 2351, Collel to Galvez, August 30, 1779.



cut to live as good neighbors in peace and amity. If they came together the Spaniard was certain to be exploited and ultimately give way to the superior ability of the English. Collel did not need a knowledge of history to be aware of this fact. Right here in Louisiana every man knew that; and no more eloquent proofs were needed than the report of Bouligny with which we are acquainted, and the appalling disproportion of the British and Spanish trade in the province. Galveztown, too, felt the inevitable pressure that had been, and was being, felt wherever the two met.

Everything was coming up beautifully in Galveztown. "With a great deal of satisfaction am I looking at the size that from day to day this town is assuming," wrote Collel to Galvez.<sup>112</sup> But there was a discordant note, and it came from some of the English. They were showing no willingness to settle down for good and build a home, and it was apparent to Collel that they were living among the *Islenos* only for the money they could make. He was watching their every movement, ready to take adequate measures as soon as a flagrant evil should be discovered.<sup>113</sup>

These individuals were not appreciative of the fair dealing they were being given at the hands of Galvez, and were showing little desire of meeting him half way. Many owed debts to the Spaniards who repeatedly had tried to collect them, but with no success.<sup>114</sup> Taking advantage of the scarcity of foodstuffs, they had embarked on the age old practice of profiteering; but the zealous Collel rose up to the situation, and dealt with the problem vigorously. He called them all together, and had them accept a tariff scaled according to the scarcity or abundance of the different staples. This tariff was affixed to the church door that all might get acquainted with its provisions, and notice was served that any infringement of the ordinance would carry with it the confiscation of the whole supply involved.<sup>115</sup>

But not all the English were law breakers and unreliable. Some carried with them that fierce independence of the American wilderness which had created a new outlook of life in millions of them, and had made them rebels from the mother country. Perhaps they did not love Spain, but certainly they loved England neither. They were pursuing their agricultural interests, and

<sup>112</sup>PPC, Leg. 2351, May 20, 1779.

<sup>113</sup>*Ibid.*

<sup>114</sup>PPC, Leg. 2351, Collel to Galvez, July 5, 1779.

<sup>115</sup>PPC, Leg. 2351, Collel to Galvez, July 26, 1779.

establishing the roots of Anglo-Saxon civilization in that bit of Transappalachia. Others wanted only peace and security, and for that reason had they left the land of the Anglo-American conflict. Both classes were reliable citizens on whom his Catholic Majesty might reasonably count upon. Collel organized them into a militia company of thirty-three men—the second unit of Galveztown. They were by far Galveztown's best bulwark against English aggression, as they alone were able to handle a gun, and fight in the woods; and had in their midst men capable of leading them in battle.<sup>116</sup>

On the same day that Collel proposed to the governor the organizing of an English speaking militia unit, he reported also that trouble was brewing between the rival English and Spanish posts on the Amite. It is best to let Collel himself speak. "On the tenth of the month," June, "Meo Gre loaned a pirogue to an Englishman named Mr. Be, who, as he was passing by the English post on his way to his plantation, was halted by the commandant of the said post, and this gentleman recognizing the pirogue as the one that belonged to the above mentioned Gre, confiscated it on the pretext that Gre is a rebel subject to his Britannic Majesty. When I learned of this affair, I wrote to the said commandant requesting him to restitute the pirogue because it belongs to a subject of his Catholic Majesty. He answered by the letter that I am enclosing. Not knowing whether you approved of my taking revenge, I have done nothing until I shall hear of your good pleasure."<sup>117</sup> Things were at this point when news started to filter through the Spanish administrative channels that war with Great Britain was imminent.

That the Spanish government was contemplating war since the early spring of 1779, may be surmised from certain orders dispatched by Galvez to Collel on May 24. On June 14, four cannon fully equipped, sixty guns, and other war material reached Galveztown. In compliance with the governor's orders Collel proceeded to organize the manhood of the town into a militia. The first company was composed exclusively of Spaniards and Frenchmen, and comprised sixty-two men and officers, or as many as there were guns available. It was at this juncture that Collel experienced the insoluble difficulty of finding a captain for the first company. He gave Galvez the reason that in the

<sup>116</sup>PPC, Leg. 2351, Collel to Galvez, June 15, 1779.

<sup>117</sup>*Ibid.*

whole town there was not a Spaniard "of distinction, character, and merit who might be fit for a captain's commission."<sup>118</sup> We have said that that unit was, for the time being, headed by a lieutenant who was a Frenchman. No such difficulty was met with when it came to establishing the second company which was formed at once in its entire organization. It consisted of English-speaking men. James Nicholson, whose prominence Collel attests in his letters, was appointed captain.<sup>119</sup>

While Collel was engaged in organizing the militia (a task made harder by the epidemic, Collel himself having been attacked by the disease), the English were not altogether unsuspicious of the impending conflict. On June 20, three ships with supplies and one hundred thirty soldiers left Pensacola, and, on July 5, Collel reported them as passing by Galveztown. Ostensibly the troops were to reinforce the garrisons at Manchac, Baton Rouge, Natchez, and the post on the Amite against attacks from the Americans.<sup>120</sup> It is marvelous to see how well informed was Collel as to everything the English were doing. On July 26, he wrote to Galvez that "they were constructing trenches in Baton Rouge for the purpose of strengthening that post and contesting the advance of the Americans."<sup>121</sup> They were laying out three roads radiating from Baton Rouge; one to Natchez, another to Manchac, and a third to Fort Graham, the post in the vicinity of Galveztown.<sup>122</sup>

On the Spanish side, Collel proposed to Galvez that, as there was no fort to protect Galveztown, a redoubt be built around the barracks without delay.<sup>123</sup> Galvez was deliberating on the same subject since two days later we see a Mr. LeBlanc coming to Galveztown with a message from the governor that a fort be built forthwith. Mr. LeBlanc was evidently an engineer for, from that day forward, Collel, in apprising the governor of the

<sup>118</sup>PPC, Leg. 2351, Collel to Galvez, June 27, 1779.

<sup>119</sup>PPC, Leg. 2351, Roster of the Second Company.

<sup>120</sup>PPC, Leg. 2351, Collel to Galvez, July 5, 1779.

<sup>121</sup>A report of Lieutenant-Colonel Alexander Dickson to General Campbell, dated September 22, 1779, states that, on July 30, he (Dickson) and his staff took the decision of removing the Manchac garrison to the more strategic redoubt of Baton Rouge. See *Official Bulletin of the National Society of the Sons of the American Revolution*, June, 1923, 73 f.

In view of Collel's usual foresight, and of the subsequent events, it is rather strange that he was mistaken as to the real enemy against whom the British were entrenching themselves in Baton Rouge. From a perusal of his correspondence it results that this was the only instance in which his judgment was at fault.

<sup>122</sup>PPC, Leg. 2351, Collel to Galvez, July 26, 1779.

<sup>123</sup>PPC, *ibid.*



construction of the fort and the laying of a road, uses always the first person plural. Collel and LeBlanc agreed that a fort alone was not sufficient to guarantee the safety of troops and non-combatants, and set about to build a road that, starting from Royal Street in Galveztown, through some newly discovered prairie, ended at the church on the bank of the Mississippi.<sup>124</sup> This road was wider and more serviceable than the old one, its eight feet of width affording the transit of wagons.<sup>125</sup>

The military strengthening of Galveztown filled the English with alarm, since a hostile fort on the Amite meant a serious check on the freedom of their navigation. How harmful to their interest they considered the Spanish move may be seen from their renewed determination to build a road out of Fort Graham to Baton Rouge, so as not to be obliged to pass with their ships by Galveztown.<sup>126</sup> That project shows conclusively that the site of Fort Graham was below Galveztown. At the same time the English were continually adding to their strength. On August 14, two boats loaded with provisions and carrying a company of Waldeck's regiment, of one hundred thirty men, were sighted at Galveztown, and news went abroad that shortly the whole regiment would come up to the English posts to relieve the garrisons there. "But I notice," says the astute Collel, "that the ships come up loaded and return empty."<sup>127</sup>

It has been stated that the English were not unaware of an impending conflict with Spain. At home, as far back as the autumn of 1778, English statesmen were of the opinion that Spain would war against England.<sup>128</sup> For one thing Great Britain had a marvelous foreign detective service, which, earlier in the century, had been enlarged and brought to higher standards of efficiency by Sir Robert Walpole. In West Florida, the true situation was that the English authorities knew that war would come some day, but until about the end of August did not know that it had actually been declared.<sup>129</sup>

<sup>124</sup>PPC, Leg. 2351, Collel to Galvez, August 14, 1779. See also PPC, Leg. 2351, Collel to Galvez, August 23, 1779. This road must be the same as shown in Powell. See page 6.

<sup>125</sup>PPC, Leg. 2351, Collel to Galvez, August 14, 1779.

<sup>126</sup>*Ibid.* It is not likely that the road was to establish connection with Manchac, as the English had already determined to abandon that post.

<sup>127</sup>*Ibid.*

<sup>128</sup>Lecky, *op. cit.*, vol. IV, 119.

<sup>129</sup>See Campbell's letter to Lord Germain in *Official Bulletin of the National Society of the Sons of the American Revolution*, June, 1923, 72 f.

On the other hand, the Spaniards had set everything in motion for striking suddenly and treacherously. On August 16, news was sent to Collel that war had been declared.<sup>130</sup> Galveztown was completely defenseless as most inhabitants were sick. The epidemic had made impossible any assembling and drilling of militia, and Collel sadly remarks that "out of four hundred individuals, children and adults, there were found not more than eight" to go on an important errand with which we shall presently deal. It is true that there was in town a detachment of twelve soldiers, but they were of little help since six of them were incapacitated by sickness. "You can therefore see in what a deplorable state I am," Collel informs the governor. "Nevertheless in spite of all this, you can count on me, for as long as I shall live the king will triumph. Of course I rely on finishing the fort, because without it, it would be temerity on my part to resist the enemy, even were I to dispose of a larger force."<sup>131</sup>

Up to that day, August 23, the English were unaware that war had already been declared, and the wily Collel was able to get from the unsuspecting or too confident Engineer Graham, through the Spanish Engineer LeBlanc, much valuable information about the movement of British troops and ships. But after August 23 the English became aware of the existence of a state of war, and, perhaps unwittingly, gave many sleepless hours to the people of Galveztown. Preparations were going on with amazing rapidity in New Orleans. The hurricane of August 18 did not in the least diminish the impetuosity of young Galvez who, meantime, had been appointed full fledged governor. On the 19th "the independency of America was publicly recognized by the beat of drum at New Orleans."<sup>132</sup> Meanwhile Galvez raised four of the sunken ships,<sup>133</sup> and was making ready to come up the river and wipe away the hated Manchac.

We are not concerned with the military operations along the Mississippi, at Manchac and Baton Rouge; and shall confine our story to the events that took place around Galveztown. The forest was filled with rumors that the English intended to attack Galveztown. With one hundred fifty soldiers of the "Regiment of America" and one hundred forty Waldeckians, they would fall on Galveztown on the night of August 26.<sup>134</sup>

<sup>130</sup>PPC, Leg. 2351, Collel to Galvez, August 23, 1779.

<sup>131</sup>PPC, Leg. 2351, Collel to Galvez, August 23, 1779.

<sup>132</sup>Campbell's letter in op. and loc. cit.

<sup>133</sup>Fortier, *History of Louisiana*, vol. II, 63.

<sup>134</sup>PPC, Leg. 2351, Collel to Galvez, August 26, 1779.

Hastily Collel gathered his men together, and made the best arrangements possible. Means were taken to send the women and children to a place of safety on the Mississippi. The work that had been going on at a feverish step on the improvised fortification, was now taken up with still greater intensity.<sup>135</sup> All the available men were assigned to duty. Some were sent to the forest, and some along the river to watch for the enemy. The rest were stationed at the town approaches and concentrated inside the redoubt. But they were poorly trained and worse equipped. They had available only four cannon and eighty guns, and, at that, little reliance could be placed on the guns. But Collel had the determination to win. "Your Lordship may rest assured that I will defend myself to the last drop of my blood."<sup>136</sup> Then, too, there were some Americans in Galveztown who had made there their homes. If the Islenos were poor fighters, the Americans would make up with their tried ability.<sup>137</sup>

It was an agonizing experience for Collel and his men that night of August 26. They would be attacked at any hour.

They waited with the trepidation and fear with which new recruits are seized before their first combat. How thankful and relieved must have they felt when they saw the sun rise on the morning of the 27th! It is always better to be attacked at day-time. Light brings with it a better sense of security. In the light, whilst the danger seemed more remote, Collel found time to write to Galvez. "The English have not executed the attack they had intended for last night. I don't know what reason has prevented them, but I think that it was due to their seeing with what speed we strengthened our position and placed ourselves in a state of defense. At four p. m. we had finished to barricade the front and sides of the fort with thick logs and trees."<sup>138</sup> But the Islenos were a hopeless mob, and they made the otherwise stout heart of the valiant Collel almost shrink. He became convinced that there was no sense in hoping to get any kind of help from them, at least during that campaign. He had no doubt that, under his instructions, they would eventually become as proficient as any man under arms, but for the present they could

<sup>135</sup>PPC, Leg. 2351, Collel to Galvez, August 27, 1779.

<sup>136</sup>PPC, Leg. 2351, Collel to Galvez, August 26, 1779.

<sup>137</sup>*Ibid.*

<sup>138</sup>PPC, Leg. 2351, Collel to Galvez, August 27, 1779.



not be relied upon. "On account of this I ardently hope that Your Lordship will send me the re-enforcement which I have already asked," wrote he to Galvez.<sup>139</sup>

And that was the end of all danger for Galveztown. With fear considerably diminished, and a greater sense of security returning among the Galvestonians, Collel was able to write his superior: "I am always watching, and I believe that I shall never be caught for lack of vigilance. I think that the English have their hands too full with trying to defend their own lands, to think of conquering new ones. But in any event if they come, I will receive them with powder and bullets. I hope that I shall never be in the sorry necessity of surrendering, unless powder and bullets shall be wanting; of which, I must say, I don't have much."<sup>140</sup> We may easily surmise the great sense of relief of Collel and the Galvestonians when, on the night of August 30, the English abandoned Fort Graham, and joined their main force in Manchac from whence they proceeded to Baton Rouge for a possible last stand against the Spaniards.<sup>141</sup>

The Anglo-Spanish war in Louisiana was confined to the southwestern tip of West Florida. New Orleans and the other Spanish settlements along the Mississippi were involved in the brief campaign only insofar as they provided men and supplies, but they never came within the fighting zone. Galveztown, on the other hand, was the only Spanish post that was in the thick of the conflict, and Manchac and Baton Rouge were the only English posts that fought at all. After the fall of Baton Rouge which entailed the surrender of Natchez on the Mississippi and Fort Graham on the Amite, the theatre of war was shifted to Mobile and Pensacola. In Louisiana, the maritime operations against English shipping were conducted from Galveztown as a basis, or around Galveztown. It is significant (and it fully gives credit to the Spanish government for establishing a station on Amite), that all the English ships but one taken as prizes of war, owed their doom to Galveztown. From Collel's correspondence it results that seven vessels were captured from the British. On the other side, General Campbell reports that eight English ships were captured in all; one on the Mississippi, and seven on the Iberville route.<sup>142</sup> Campbell also says that some vessels were taken by stratagem.

<sup>139</sup>*Ibid.*

<sup>140</sup>PPC, Leg. 2351, Collel to Galvez, August 30, 1779.

<sup>141</sup>PPC, Leg. 2351, Collel to Galvez, August 31, 1779.

<sup>142</sup>Campbell's Letter in op. and loc. cit.

The stratagem was engineered by Collel who describes it in a letter dated August 23. Until that day the English were unaware of the state of war existing between the two countries.

The two ships that had brought the company of Waldeck's regiment for destination to Manchac and Baton Rouge, were due to return to Pensacola. Galvez ordered Collel to seize them; but in order to dissipate any suspicion the English might have of the capture he intended to effect, either at some point further down the Amite or on Lake Maurepas, the crafty Collel proposed the following plan: He let the whole coast know that one Sergeant Mondola had deserted from the Spanish service, and together with some other deserters had stolen a boat on Bayou St. John and was hiding somewhere on Lake Maurepas. Under pretext of searching for these outlaws, thus causing no suspicion, Collel armed eight Spaniards, four Americans, and four soldiers, and sent them, under the command of Engineer LeBlanc, on the treacherous errand with orders to lay in ambush for the unsuspecting vessels, and, once having captured them, to take them directly to Bayou St. John, within the safety of New Orleans.<sup>143</sup> At the same time, to make doubly sure that no inkling would leak out to the British, Collel advised LeBlanc to capture also any other vessel coming from Pensacola. The two vessels passed Galveztown in the evening of August 28 on their way to Pensacola.<sup>144</sup> The contingent under Mr. LeBlanc left during the night. So sure was Collel that the two ships would not escape that he provided other means for binding the prisoners, as he had no chains whereby to tie them. He knew the vessels would offer no resistance for they had a crew of only twelve men.<sup>145</sup>

News of Collel's ungallant plot must have reached the British, for it seems that Colonel Dickson protested to Governor Galvez against the unlawful machinations, and Galvez, on August 28, ordered Collel to stop putting the stratagem into execution. But it was too late. On August 30, Collel informed the governor that the stroke had already been delivered and with full success, the two ships and nineteen prisoners having been captured.<sup>146</sup> With the sweet taste of prey in their mouths, the Galveztonians were now watching for a brigantine and a flat boat that were lurking somewhere about half a league above the town, and also for a

<sup>143</sup>PPC, Leg. 2351, Collel to Galvez, August 23, 1779.

<sup>144</sup>PPC, Leg. 2351, Collel to Galvez, August 29, 1779.

<sup>145</sup>*Ibid.*

<sup>146</sup>PPC, Leg. 2351, Collel to Galvez, August 30, 1779.

schooner that was moored at Lafourche.<sup>147</sup> The two captured vessels were not sent to Bayou St. John because an English corsair was on the lookout for Spanish ships on the lakes,<sup>148</sup> but, instead, were concealed in one of the numerous bayous leading from the Amite to nowhere. The corsair ship does not seem to have ever been captured or to have herself done any damage. She lurked on the lakes and kept the Spaniards fearful, but she filled no other mission. Collel hoped that she would come up the river, for then he would get her by ambush. At the same time he was taking precautions on Bayou Manchac lest the English privateer slip by his men and bring re-enforcements and supplies to Manchac.<sup>149</sup>

Another English ship was captured on September 2. She was coming from Mobile and was loaded with provisions. Most of the crew escaped because among the seven prisoners that were captured there were two negroes, two negresses, one white woman and a child.<sup>150</sup>

September 7 was a lucky day for Spain. Manchac, practically defenseless, fell easily in the hands of Galvez,<sup>151</sup> while down the Amite fortune was just as favorable to the forces of his Catholic Majesty. Two English ships carrying soldiers and provisions were captured. Of the men fifty-six were made prisoners.<sup>152</sup> Collel gave credit for this feat to one Mr. Vincent.<sup>153</sup> But the English did not surrender without putting up a struggle during which Ensign Frederick Noltild was killed, and Captain Christopher Alberti taken prisoner.

Two more vessels were captured on the eighth of September, which yielded abundant supplies. On the same day a Spanish sergeant made prisoner a whole detachment of eighteen English soldiers. Collel kept the provisions and got rid of the prisoners. On the 9th he sent sixty-seven to New Orleans.<sup>154</sup>

<sup>147</sup>To the author it seems that Lafourche is same place as Anatamaha and the junction of Ward Creek and Bayou Manchac.

<sup>148</sup>PPC, Leg. 2351, Collel to Galvez, September 2, 1779.

<sup>149</sup>PPC, Leg. 2351, Collel to Galvez, September 2, 1779.

<sup>150</sup>PPC, Leg. 2351, Collel to Galvez, September 3, 1779.

<sup>151</sup>A list of the prisoners taken at Manchac is reported by the *Morning Chronicle and London Advertiser*, London, April 3, 1780. 16th Regiment, 1 Sergeant; 4 Rank and File. Corps 60th Reg., 1 Lieutenant, 1 Sergeant, 11 Rank and File. Independent Company, 1 Lieutenant, 1 Sergeant, 4 Rank and File.

<sup>152</sup>PPC, Leg. 2351, Collel to Galvez, September 7, 1779.

<sup>153</sup>Cf. the exploit of Vincent Rieux in Fortier, *History of Louisiana*, vol. II, 65. See Collel's letter, Sept. 9, 1779.

<sup>154</sup>PPC, Leg. 2351, Collel to Galvez, September 9, 1779.



On the 10th he sent six more, and informed his superiors that he still had forty three in Galveztown.<sup>155</sup> He also shipped to New Orleans 30 guns, 30 bayonets, and 60 cases of cartridges.<sup>156</sup>

As to the provisions, Collel thought best not to expose them to danger as long as the English privateer was still at large on the lakes. One can read between the lines that Collel was loath to part with all that abundance of foodstuff. The poor Galveztonians had suffered enough for lack of food, and we should not be surprised if for a few days they feasted sumptuously on the easily gotten English goods, and if they had no heart to part with them.<sup>157</sup>

Both Galvez and Collel feared that the English might come back and try to reconquer their lost positions by first attacking Galveztown. Accordingly new re-enforcements were sent to Galveztown, and yet Collel was complaining that, should an attack be made, he would not have ammunition enough to fire longer than half an hour.<sup>158</sup> Meanwhile the fear of a counter attack made the Spaniards keep on working assiduously on the fort. With the British away from the western portion of West Florida the epidemic also departed. At last the much tried folks might hope for better days.

## V.

### DECAY

NO BETTER days were in store for Galveztown. After the Spanish conquest of West Florida to which Great Britain acquiesced by the Treaty of Versailles, in 1783, the motive that had originated the Spanish policy of arming the right bank of the Iberville waterway having disappeared, the interest of Spain in the further development of Galveztown disappeared also. It is true that having once started that colony, and having already spent a great deal of money on it, ordinary principles of business would advise a policy of carry on. It is also true that possession of West Florida did not mean immunity from future attacks, and therefore it was prudent for Spain to keep a fortified place along the Iberville route; but a remote danger does not have the compelling force of an imminent one, and it was, therefore, in

<sup>155</sup>PPC, Leg. 2351, Collel to Galvez, September 10, 1779.

<sup>156</sup>*Ibid.*

<sup>157</sup>PPC, Leg. 2351, Collel to Galvez, September 26, 1779.

<sup>158</sup>*Ibid.*

keeping with the ordinary run of human things that, in the midst of actual security, the Spanish government should grow lukewarm in its old policy of keeping the Iberville fortified.

But there were other considerations also. The natural imperviousness of Bayou Manchac to navigation would not present an attractive prospect to foreign powers having no nearby refitting stations, to use that waterway extensively to the political and commercial detriment of Spain. That danger might now come from the United States, if at all. But the United States was not concerned with that little stream. The broad and deep Mississippi was the goal of the young republic.

After Thomas Pinckney secured from the Court of Madrid, in 1795, the fullest freedom for the United States of navigating the Mississippi and the right of deposit,<sup>159</sup> the last excuse for keeping the Galveztown post armed and ready disappeared entirely. If a dozen soldiers are still maintained there, it is due to the law of inertia rather than to recognized necessity or any seeming advantage.

When the action of the Spanish government began to grow feeble in regard to Galveztown, the people, among whom there was no leadership capable of assuming such limited responsibility as the command of a militia company, could hardly be expected to devolve overnight those pioneer qualities without which the American swamp would never be won. Instead we find the *Islenos* won by the swamp.

There is no record that the Galvestonians ever tried to earn their living by hunting or trapping. They were concerned with farming; but, even as the earlier French settlers, they never found out which crops thrived best on the Louisiana soil. They experimented with several kinds, and succeeded with none. In spite of Bouligny's warning that the lands of south Louisiana were not suitable for the cultivation of wheat,<sup>160</sup> Galvez made them try that very crop.<sup>161</sup> With an air of pardonable, if mistaken, satisfaction Collel sent to Galvez, in the spring of 1779, some ears of wheat raised in the settlement.<sup>162</sup> After that time we hear no longer of wheat crops.

<sup>159</sup>The right of deposit was the right of the United States to land goods within the Spanish limits, free of duty, while awaiting transshipment from the river boats to the sea-going vessels. See Channing, *op. cit.*, vol. IV, 146.

<sup>160</sup>Fortier, *op. cit.*, vol. II, 31.

<sup>161</sup>PPC, Leg. 2351, Collel to Galvez, January 15, 1779.

<sup>162</sup>PPC, Leg. 2351, Collel to Galvez, May 1, 1779.

Some people were experimenting with flax; others were sowing peas and corn in the month of May.<sup>163</sup> Collel does not say whether that late sowing ever gave results. The lateness of the sowing may have been due to the lateness of the arrival of many *Islenos*, or else to the floods of March, or even to the unfamiliarity of the new settlers with the southern seasons. In the spring, 1779, the Commandant was confident that his men would gather a harvest that year.<sup>164</sup> We have already seen how his hopes were shattered by the *calenture* that kept the people to their beds or sent them to their graves, and turned their plantations into "a total ruin."

The year 1779 was a total loss to the government, with nothing gotten in return from the labor of the people and the yield of the land. Especially in colonization enterprises the first year is one of preparation, and not of achieved success.

But when half a dozen years at a stretch fail to reward the hard working and much tried settler, an incipient colony is apt to disintegrate and come to an end. Such was the case with Galveztown. It appears that for one reason or another the *Islenos* were never able to get any suitable returns from the cultivation of the soil. They did not even raise enough corn or rice or cereals for their own scanty consumption. On June 20, 1781, we hear from Collel that the hungry people hang daily around his house, and in order to keep their souls and bodies together, he must needs buy for them "mouth provisions." That is the only way of handling the situation. If he does not succor them, he fears that they will leave their lands, their town, and flee away in spite of the rigorous Spanish laws forbidding the free movement of subjects from one place to another. In the same letter Collel stresses the desperate conditions of Galveztown. Everything is more expensive there because the place is isolated and far from any other center of population. There are more poor people in Galveztown than anywhere else in the province on account of the high cost of living.

The inhabitants are thoroughly disgusted. They do not know what to do. They tried agriculture, and found it a losing game. Collel now proposes that the situation will not improve unless "a more advantageous kind of commerce" be introduced.

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<sup>163</sup>*Ibid.*

<sup>164</sup>*Ibid.*



So appalling was the settlement's poverty that the people had no clothing to cover their nakedness,<sup>165</sup> and the lack of clothing filled them with shame for themselves, and hatred for the settlement.<sup>166</sup>

The reader's attention has been called to the dulling of the spirit of initiative and responsibility caused by the paternalistic system of colonization under which the Islenos came to America. There is no doubt that many did not exert themselves any too much, since they were certain that the government would support them anyhow. The arising of such a condition may be read between the lines of Collel's letters, and it is sometimes mentioned by him plainly. On the other hand, the home government was alive to that very danger, and often remonstrated with Collel. The Commandant, on his part, found the problem baffling. His warnings to those who gave the first signs of abuse proved of no avail. When he had recourse to force and punishment, even that measure did not instill fear in their hearts. Then he discontinued giving the people a block allowance lasting several months because he noticed that, whenever that was done, many went on a holiday of idleness. The good, hard-working folks murmured and grew indignant at seeing their labor placed on the same footing with the shameless parasitism of their lazy compatriots. At last when provisions became so scarce that they could not suffice for all, Collel, "in order not to lose the good inhabitants" decided to refuse rations to the undeserving portion of the population, and granted them only to such as were working.<sup>167</sup>

Notwithstanding these many abuses, the poor Islenos were not to blame for the everlasting curse that seemed to have fallen on the settlement. Collel, in reporting his forecast of a failure of crops in 1781, took care to assert that the fault lay not with the inhabitants because "that year they had worked enough," but was due to a prolonged drought. By the same letter he informed his superiors that he saw harder times ahead, and expected that his people would perish of starvation.<sup>168</sup>

Four years had passed since the Islenos had left their old homes, and they had not yet been able to build their new ones in America. They had a shelter from the weather (they had it

<sup>165</sup>PPC, Leg. 2, Collel to Galvez, June 20, 1781.

<sup>166</sup>PPC, Leg. 608, No. 11, Collel to Juan Ventura Morales, May 1, 1781.

<sup>167</sup>*Ibid.*

<sup>168</sup>PPC, Leg. 608, No. 12, Collel to Juan Ventura Morales, July 2, 1781.

because the king had built it for them), but they had not created any of those spiritual and physical values which make men call the spot on which they live their home. Floods, sickness, war, drought, had all conjured against them. Not one single thing had worked in their favor, or had attracted them to love the American land. Their native character had combined with their artificial economic system to unfit them for the ordeal imposed upon them by the hard yielding American wilderness. In the struggle they succumbed to the fierceness of the elements. So ill had the *Islenos'* venture turned out, so paltry had been the fruits extracted from the soil, and so thoroughly unable were they to provide for themselves, that, at the expiration of the quadrennial contract, the Spanish government saw itself obliged to extend its support to the unhappy people for another year. The sum of \$14,000 was allotted them for the fiscal year 1783.<sup>169</sup>

At that stage disintegration had gathered such momentum that nothing could stop its course, and the logic of events demanded further governmental concessions. An unsigned letter of September 3, 1786, to Maximilian Maxent, who had meanwhile been commissioned commandant at Galveztown, points out to a further extension of three years of the state's allowance to the inhabitants of Galveztown. All state support was finally discontinued in that year. The Spanish authorities foresaw the indignation that decision would rouse among the people, and to soft-pedal the hard blow they authorized the Commandant to let anybody free to go to the coast or the city in order to sell his produce if he was fortunate enough to have any. But this policy, it was feared, would cause a wholesale exodus of the *Islenos* to other places, and the complete abandonment of the old Spanish town. The authorities did not want that to happen all at once, and directed Maxent to use much discretion; to issue passports only for temporary residence elsewhere; in other words, to send everybody away if they wanted to go, but to let nobody know that they were free to go. They wanted the evacuation of the unfortunate settlement to take place slowly. The document that gave those directions was, indeed, the official acknowledgment that the colony of Galveztown had failed.<sup>170</sup>

Perhaps no such fate would have overtaken the Spanish colony if it had been established on a more favorable location. Military

<sup>169</sup>PPC, Leg. 608, No. 3, Collet to Juan Ventura Morales, July 21, 1783.

<sup>170</sup>PPC, Leg. 117, Miro (?) to Maximilian Maxent, September 3, 1786.

exigency alone had dictated its selection; and no agricultural considerations had been taken into account.

The whole Amite country was subject to overflows, the site of Galveztown alone standing above the mean stage of the spring floods. We have seen that even the site of the first English post was submerged in 1779. That same flood caused the submersion of several Galveztonian plantations.<sup>171</sup> The greatest losses were experienced in 1782. They were so disastrous as to seem incredible. Antonio Maxent wrote to Ventura Morales: "I wish you could come here to see for yourself the damages caused by the inundation. I cannot say more than that I had one hundred arpents planted in corn which was shooting out its ears. Came the inundation and I lost it all. I have no hope of gathering even one barrel of the grain."<sup>172</sup>

Observations made in December, 1796, revealed that, during the periods of high water from the Mississippi, the whole country from the church of St. Gabriel to the Galveztown highlands would be covered with water eight feet deep. When the Amite and Iberville rose, as they did nearly every spring, not the interior country alone was overflowed, but the water would reach the very edge of the settlement, "leaving dry only the place where are situated the fort and the village."<sup>173</sup>

From conditions like these only failure could come.

## VI.

### CHURCH AFFAIRS

**R**ELIGIOUSLY Galveztown was, as every other possession of his Catholic Majesty, Roman Catholic. Whatever might have been their inner, individual interests, the Catholic Monarchy and the Roman Church were closely allied together. Both thought they needed each other's friendship and assistance. The soldier of the king and the priest of the church penetrated the American wilderness hand in hand; the soldier, with his force, persuading the Indian to be docile to the spiritual message of the padre; and the padre, with his moral influence, disposing him to be submissive to the authority of the soldier.

The Capuchins who in Mexico and California were aggressive and successful, in Louisiana displayed but little activity. The

<sup>171</sup>PPC, Leg. 2351, Collet to Galvez, April 1, 1779.

<sup>172</sup>PPC, Leg. 608, No. 11, letter of July 16, 1782.

<sup>173</sup>PPC, Notes on the Port of Galveztown.



earlier heroic impetus of the order's missionary spirit had spent itself when the French Capuchins took charge, in 1722, of the Transmississippi country, south of the mouth of the Wabash. As the field was large but the laborers few, a redistribution of territory restricted their jurisdiction to the country south of Natchez on both sides of the Mississippi; the Jesuits, who theretofore had been confined to the northern sphere, extending now as far south as Natchez. But even then the Franciscans could not do justice to their work, and, as a result, they confined themselves to parish ministration, delegating their jurisdiction over the Indians to their rivals in Christ, the Jesuits. When the latter were expelled from the lands of the Bourbon monarchies, in 1763, the Spanish Capuchins who succeeded to the French showed themselves utterly incapable of making treasure of their golden opportunity, and were not even able, here in Louisiana, to consolidate their power lastingly, at least in the parishes they already possessed.<sup>174</sup> It is true that they brought to the province a stricter ideal of Franciscan observance, but this seems to have been rather superficial, and, at any rate, it left no mark in the religious history of Louisiana.<sup>175</sup>

Martin says that in 1779 'the king sent a spiritual relief to the province, consisting of six Capuchins Friars.'<sup>176</sup>

Fray Francisco Lopez, whom Galvez sent as pastor to the new settlement of Galveztown,<sup>177</sup> was probably one of that band of missionaries. He reached Galveztown on March 31, 1779,<sup>178</sup> with fifty-three other Spaniards.<sup>179</sup> It is true that the country along the Amite was just then experiencing the calamity of an overflow,<sup>179</sup> and food in the settlement was very scarce;<sup>180</sup> nevertheless the influx of newcomers was so great that the original space set aside for the building of the town was already all taken up,<sup>181</sup> and Collel had to refuse grants to several homeseekers and was able to get rid of them only by telling them to apply directly to the governor. The settlement had grown large enough to re-

<sup>174</sup>About ecclesiastical jurisdictions in the province see Fortier, *History of Louisiana*, vol. I, 107.

<sup>175</sup>The amenities of a phase of the quarrel between the austerer Spanish Capuchins and their more worldly French brothers have been set in delightful verse by M. E. M. Davis. See Thomas McCaleb, *The Louisiana Book*, 552.

<sup>176</sup>Op. cit., 226.

<sup>177</sup>PFC, Leg. 2351, Collel to Galvez, April 1, 1779.

<sup>178</sup>*Ibid.*

<sup>179</sup>*Ibid.*

<sup>180</sup>*Ibid.* See also Collel's letter of March 1, 1779.

<sup>181</sup>PFC, Leg. 2351, Collel to Galvez, April 1, 1779.

quire the presence of a priest as well as of a physician.<sup>182</sup> The latter came in the person of Don Antonio Demar on April 29, 1779, when his services were sorely needed.<sup>183</sup> Surely the arrival of the priest and the doctor must have comforted the struggling community, and given them a sense that it was slowly being established, in the midst of the American wilderness, along the essential lines of their wonted European civilization.

Father Lopez died within six months after his arrival.<sup>184</sup> No records by his hand are extant. Probably he was succeeded in the spiritual ministration of the Islenos by Father Valentin who, in 1778, had received "the appointment of pastor of the settlement of St. Gabriel."<sup>185</sup> This priest too has left no record of any sort, but there is no doubt of his being pastor of the "parish of St. Gabriel and St. Bernard," for Fray Joseph de Arazena states that Father Valentin was his predecessor.<sup>186</sup> But here we are confronted with a new problem. Apparently there is no longer a resident pastor in Galveztown, but the Galveztown church which, it is important to note, was dedicated to St. Bernard,<sup>187</sup> was merged with the church of St. Gabriel at Manchac under one and the same priest. The archives of the dioceses of Santiago de Cuba, Havana, and New Orleans may possess documents that may throw light on this question.<sup>188</sup>

The oldest extant church record of Galveztown dates from the year 1786, but the oldest record of Manchac goes back to February 25, 1781. The latter opens with entries made by Father de Arazena who states that he is "pastor in the parish of St. Gabriel and St. Bernard of Manchack." And here another problem arises. Where is this Manchac Father Arazena speaks of? Is

<sup>182</sup>PPC, Leg. 2351, Collet to Galvez, March 1, 1779.

<sup>183</sup>PPC, Leg. 2351, Collet to Galvez, May 1, 1779.

<sup>184</sup>PPC, Leg. 2351, Collet to Galvez, October 16, 1779.

<sup>185</sup>*History of the Catholic Church in Opelousas*, 2. It is not a scientific work, and the information it gives cannot be fully relied upon.

<sup>186</sup>Register of Baptisms, Manchac, 1781-1785, page 3, entry 12. It is evident to the author that some of the records of the united parishes of Galveztown and Manchac are missing.

The Archiepiscopal Archives of New Orleans are in possession of only nine parochial books, none of which was exclusively used for entries of the Church of Galveztown, but promiscuously for entries of that church as well as of the church of St. Gabriel.

<sup>187</sup>Marriage Book for Whites, Galveztown, 1786-1807, p. 3, 14.

<sup>188</sup>Under the French regime, Louisiana was under the ecclesiastical jurisdiction of the bishop of Quebec. That jurisdiction was transferred, under the Spaniards, to the bishop of Santiago de Cuba; and when that bishopric was divided, in 1790, it passed over to the newly created see of Havana. In 1793, Louisiana and the two Floridas formed a new diocese, with the cathedral at New Orleans. See Fortier, *History of Louisiana*, vol. II, 161 f.

it the English Manchac so obnoxious to Bouligny, or does he employ that term in a broad sense to designate the country around Manchac? If the statement anent Father Valentin's appointment in the *History of the Catholic Church in Opelousas* is correct, we have to adopt the latter version, and conclude that the St. Gabriel church was located either at Spanish Manchac, opposite English Manchac, on the right side of the bayou, or perhaps further down the left side of the Mississippi River close around the site of the present church of St. Gabriel,<sup>189</sup> and not in English Manchac, since, in 1778, that post belonged still to Great Britain.

The entry of the christening of the baby Jose Ygnacio Rivas<sup>190</sup> by Father Bernardo de Limpach lends color to the theory. The priest remarks that the ceremony was performed by him "in the chapel of Fort Bute of Manchack," and, by contrast, he seems to imply that the parish church was located at another place, probably distinct from Manchac. Yet it may not be unlikely that after the capture of Manchac, the center of religion of the whole neighborhood was transferred to the newly acquired and more populated settlement, and that, besides the parish church, there was also in Manchac a chapel attached to the fort for the convenience of the garrison. The baby Jose Ygnacio was the son of Don Francisco Rivas, Lieutenant of the Louisiana Infantry, and Military and Civil Commandant of Manchac. The nobility in Spain, especially at that time, worshipped in their own houses, in private chapels where also baptisms and marriages were performed; and it is rather consonant with Spanish customs that the child of the highest dignitary in Manchac should be christened in the private chapel of the fort, although the parish church might have been around the corner.

Then too by the Treaty of Paris his Britannic Majesty had promised to allow the inhabitants of Canada and Louisiana the free exercise of the Roman Catholic religion, and to give the most precise and effective orders that his new Roman Catholic sub-

<sup>189</sup>The author is warranted in advancing this theory by the statement of Bouligny: "the Acadians, whom Don Antonio de Ulloa established on the Iberville coast before reaching Manchac"; Fortier, *History of Louisiana*, vol. II, 29. See also Pittman, op. cit., 60: "The new settlements of the Acadians are on both sides of the river, and reach from the Germans to within seven or eight miles of the river Ibbeville."

The present church of St. Gabriel is located in Township 9, South Range, 1 East, South Eastern District of Louisiana, East of the Mississippi River, Section 30; fourteen miles from Baton Rouge by rail (Yazoo and Mississippi Valley R. R.).

<sup>190</sup>Register of Baptisms C, Whites, Manchac, page 48, entry 193, November 7, 1790.



jects might follow their religion, according to its rites, inasmuch as it was permitted by the laws of Great Britain.<sup>191</sup> Under this treaty, if it was carried out faithfully, the church of St. Gabriel, of which Father Valentin was appointed pastor, might have been right in the town of Manchac, in the shadow of Fort Bute, while still under the rule of England.

One thing is certain, and that is, that the original St. Gabriel church was not situated on the banks of Bayou Manchac far in the interior country, as the New Orleans daily press has sometimes published. There was on the banks of the Bayou, in all probability, a Catholic chapel;<sup>192</sup> but it was not a parish church, and still less the parish church of St. Gabriel. A good many baptism entries by Fray Bernardo de Deva expressly state that the church of St. Gabriel and St. Bernard was "situada en la costa de Iberville."<sup>193</sup> Now this coast of Iberville is not a bank on Bayou Manchac because another church record tells us that the church of St. Gabriel and St. Bernard was "situated on the Mississippi River on the coast called Iberville."<sup>194</sup> The location is still more specifically established by the second entry of the Marriage Section of the same record which says that the church was "situated on the bank of the Mississippi on the coast of Iberville."<sup>195</sup> Whatever be the exact spot on which the church stood, it was promiscuously called Iberville,<sup>196</sup> Coast of Iberville,<sup>197</sup> and Manchac.<sup>198</sup>

It must also be noted that, contrary to the apparent meaning of the phrase, the "church of St. Gabriel and St. Bernard" was not one and the same church, but one parish consisting of two churches, or at best two parishes under the same pastor. The St. Gabriel church was located at Manchac, on the Iberville Coast; and the St. Bernard church was located in Galveztown. This assertion is proved by the following evidence:

1. On October 30, 1786, Fray Bernardo de Deva calls himself "pastor of the parish of St. Bernard of the coast and town of Galveztown."<sup>199</sup> At the same time and for several months after the same priest was also pastor at Iberville.<sup>200</sup>

<sup>191</sup>Martin, *op. cit.*, 193.

<sup>192</sup>The letters of Collet vaguely allude to it.

<sup>193</sup>Register of Baptisms C, Whites, Manchac, p. 1 ff., yr. 1785.

<sup>194</sup>Register of Baptisms, Manchac, 1781-1785, p. 6, en. 24, year 1781.

<sup>195</sup>*Ibid.*, page 27, July 9, 1781.

<sup>196</sup>Register of Baptisms, Manchac, 1781-1785, p. 19, en. 94, April 24, 1784.

<sup>197</sup>*Ibid.*, page 21, entry 121, September 17, 1784.

<sup>198</sup>*Ibid.*, page 24, entry 146, March 5, 1785.

<sup>199</sup>Marriages of Whites, No. 7, Galveztown, page 2, entry 7.

<sup>200</sup>Register of Baptisms C, Whites, Manchac, page 12 ff.

2. On May 24, 1788, a new pastor of Manchac, Fray Josef Antonio Diaz de Maceda does not give himself, as his predecessors did, the title of pastor of the church of St. Gabriel and St. Bernard, but simply "pastor of the parish church of St. Gabriel of Yberville."<sup>201</sup>

3. In the same and a few following years, while the pastors of Iberville, in making their official entries, state that the ceremonies they are registering were performed in the "parish church of St. Gabriel of Iberville,"<sup>202</sup> Galveztown has a resident pastor who in his entries calls his church the "parochial church of St. Bernard of Galveztown."<sup>203</sup>

4. Another link in the chain of evidence that the two separate churches were administered by the same priest, continuously from 1779 to 1787,<sup>204</sup> and at intervals thereafter, is furnished by the fact that while at Manchac the rites of baptism and marriage were performed almost uniformly singly on any day; in Galveztown, on the other hand, they were performed by bunches of three and four on one and the same day; but these days recur at considerable intervals. This would indicate that the priest was not residing in Galveztown, but went there from time to time as occasions arose. A strong proof of this contention is offered by the entry of twenty baptisms administered in Galveztown in one day, but recorded in the Manchac register;<sup>205</sup> which thing would, in turn, suggest that Manchac was the more important branch of the parish, and the pastor was habitually residing there.

5. A further, though later, confirmation of the two churches being personally united, at times, under the same pastor, and of the premiership of the Manchac-Iberville branch is found in an entry by Fray Pablo de San Pedro,<sup>206</sup> wherein he abandons the equivocal phraseology of the earlier pastors ("parish of St. Gabriel and St. Bernard of Manchac," "parish church of St. Gab-

<sup>201</sup>*Ibid.*, page 29, entry 103.

<sup>202</sup>Besides the entries of Father Maceda see also those by Father de Castro, *ibid.*, page 50 ff.

<sup>203</sup>Register of Baptisms D, Whites, Galveztown, page 2 ff.

<sup>204</sup>The theory that in the period 1779-1787 the two churches were in charge of one priest seems to be contradicted by the provincial statement of expenses for the year 1785. In the expenses for the church establishments the Intendant lists a salary of \$240 for the pastor of Iberville, and \$540 for the pastor and the sacristan of Galveztown. See Martin, *op. cit.*, 242. The apparent contradiction is liable to more than one plausible explanation. The finding of more ecclesiastical documents than the author is acquainted with, may finally solve the question he has raised.

<sup>205</sup>Register of Baptisms, Manchac, 1781-1785, page 20, f., September 17, 1784.

<sup>206</sup>Marriages of Whites, No. 7, Galveztown, page 27, entry 59, September 30, 1805.

riel and St. Bernard situated on the coast of Iberville," "parish church of St. Gabriel and St. Bernard situated at the Mississippi River"), and clearly sets down that he is "pastor of Iberville and Galveztown."

At a later date the Galveztown church was absorbed altogether by the Manchac-Iberville church; and when, in 1821, Register of Baptisms C of the Manchac church was filled to the last page, a Galveztown register which in five years had received only forty-six baptismal entries spread over six pages, and was evidently in the possession of the pastor of Manchac-Iberville, was taken over by the Manchac-Iberville church and used as its ordinary and only baptismal record of that period, under the title of Register D; and as such carried through the year 1859. This was done in 1821, by which time Galveztown was hardly any longer existing; the term "church or parish of St. Bernard" was dropped out entirely, and the parish was designated in the official records as the "parish of St. Gabriel at Iberville." At this time the church was incontestably located where the present St. Gabriel church stands; but the people continued to call it the Manchac church, as it may be seen from a perusal of the instructions for the navigation of the Mississippi commonly used at that time.<sup>207</sup>

After the death of the first resident priest at Galveztown, that settlement, as already stated, was confided to the care of the Manchac-Iberville pastor, and it remained under his jurisdiction until the spring of 1787, when a resident pastor was given again to Galveztown in the person of Fray Manuel Garcia.<sup>208</sup> This priest stayed in Galveztown until about the end of 1789.<sup>209</sup>

All through the year 1790 the parish was again administered by the pastor of Manchac-Iberville who, in the Manchac books, signs himself as pastor of the "church of St. Gabriel and St. Benard;"<sup>210</sup> and in Register D states that he is performing the sacramental rites at Galveztown as acting pastor.<sup>211</sup>

<sup>207</sup>*The Western Pilot* by Samuel Cummings, Cincinnati, 1833.

<sup>208</sup>The last entry of the dual pastor de Deva in *Marriages of Whites*, No. 7, Galveztown, is dated April 14, 1787. The first entry of Father Garcia is dated June 4, 1787, in *Register of Baptisms D* (common to both churches), page 1.

<sup>209</sup>His last entry bears the date of October 25, 1789; *Register of Baptisms D*, page 5.

<sup>210</sup>*Register of Baptisms C, Whites, Manchac*, page 42 ff.

<sup>211</sup>*Register of Baptisms D*, page 6.



Early in 1791, Galvestown gets another pastor, Fray Felix de Quintana, who leaves the place in 1799 to reside at Manchac-Iberville, to which church he was transferred.<sup>212</sup>

Then comes the short resident pastorate of Fray Domingo Joachin Solano whose entries are November 15, 1802, to May 16, 1803.<sup>213</sup> In December, 1804, de San Pedro, who was already pastor at Manchac-Iberville, became interim pastor of Galvestown;<sup>214</sup> and on September 30 of the following year he appears as ordinary pastor of both places,<sup>215</sup> thus re-establishing permanently the amalgamation of both parishes.

The last Galvestown entry was made in the book of Marriages of Whites, No. 7, on February 22, 1807. Since that day the Galvestown church lost its identity, and very likely was discontinued altogether.

\* \* \*

It has been said that Father Lopez reached his parish on March 31, 1779. No church and living quarters had been provided for him, and he lodged and boarded with the Commandant who fixed for him, at one end of the barracks' porch, a sleeping room at the cost of \$8. Collel gave orders that, at the other end of the porch, a section be enclosed to form a chapel, which, he wrote to Galvez, might be utilized as a guard-room after the chapel would be removed to its permanent quarters.<sup>216</sup>

The chapel was finished early in May, but it is not possible to establish from Collel's correspondence whether it was the temporary one of which the Commandant had spoken one month before or a permanent structure. Collel had left out of calculation the altar and the platform on which the altar stands, and was rather embarrassed to report to his superior that for these he had to spend \$10 more than he had figured.<sup>217</sup>

But this priest is insatiable. "He has even asked that we build him a confessional; and soon will press for a house. I will do nothing of the kind unless you shall order it."<sup>218</sup>

In the general epidemic that carried away such a large proportion of the population, Father Lopez too was attacked. In

<sup>212</sup>Register of Baptisms C, Whites, Manchac, page 96.

<sup>213</sup>Marriages of Whites, No. 7, Galvestown, pages 21-25.

<sup>214</sup>Marriages of Whites, No. 7, Galvestown, page 26.

<sup>215</sup>*Ibid.*, page 27.

<sup>216</sup>PPC, Leg. 2351, Collel to Galvez, April 1, 1779.

<sup>217</sup>PPC, Leg. 2351, Collel to Galvez, May 1, 1779.

<sup>218</sup>*Ibid.*

the beginning of July both he and Collel were sick. Were they not privileged subjects of his Catholic Majesty for whose greatness they were toiling and suffering in the wilderness?

They might well be entitled to some special consideration; so they humbly ask the governor for one or two barrels of flour, for which they will pay,<sup>219</sup> and which the governor sends immediately.<sup>220</sup> By the end of the month they were both on their way to recovery, thanks to the kindness of the governor who had greatly comforted them with the flour.<sup>221</sup>

Then came the campaign against the British, and Collel was too busy to report the death of even so great a local personage as the pastor of his command. He mentions the demise of the unlucky Capuchin incidentally in a letter to Galvez on October 16, 1779. The pastor's death had taken place on September 10, while war enveloped Galveztown. After Baton Rouge had been taken, and peace again re-established in the neighborhood, Collel, according to custom, made an inventory of all that belonged to the church and to the padre, and sent it to the Reverend Father Fray Cyrilo of Barcelona, auxiliary to the Bishop of Santiago de Cuba.<sup>222</sup>

Fourteen years later, the pastor of Galveztown was not better housed than Father Lopez had been. There are limits even for a Capuchin, and Father Quintana cannot refrain any longer from complaining to Carondelet that, after three years of patient waiting, he is still living in the same miserable hut. The contract for the building of the new rectory had been let nearly one year before, but the contractor had not yet started on his job. Meanwhile the meek padre is exposed to the inclemency of the weather, the night chills, and the rain that mercilessly pours on his very bed. No use telling the Commandant. He seems not to listen.<sup>223</sup>

The complaints of the Capuchin seem to be hardly warranted in view of the fact that nearly every dwelling in Galveztown was in a deplorable condition. The housing problem had been an acute one since the very start of the colony,<sup>224</sup> and, to judge from scattered indications, was never solved satisfactorily. The soldiers themselves, at this time, were housed in worse premises

<sup>219</sup>PPC, Leg. 2351, Collel to Galvez, July 5, 1779.

<sup>220</sup>*Ibid.*, Draft, Galvez to Collel, July 14, 1779.

<sup>221</sup>PPC, Leg. 2351, Collel to Galvez, July 26, 1779.

<sup>222</sup>PPC, Leg. 2351, Collel to Galvez, October 16, 1779.

<sup>223</sup>PPC, Leg. 27, Father Felix de Quintana to the Governor General, November 7, 1793.

<sup>224</sup>See Collel's early correspondence.

than the priest was.<sup>225</sup> But it was his Catholic Majesty that would foot the bill for building the rectory; so why should the priest not ask for better accommodations? Was not there every evidence that the king was more gracious to the servants of the Church than to those of the Crown?

If the friar was housed poorly, he was more than recompensed by his handsome salary, which was larger than that of the Commandant or the surgeon. The Commandant received \$300 a year, and the surgeon \$360;<sup>226</sup> but the priest was getting \$480,<sup>227</sup> besides the fees received for masses, marriages, and burials.<sup>228</sup> One thing worth noting is that every other pastor in the province was paid a salary of \$240 per annum, while only the pastor of New Orleans and that of Galveztown were paid double the salary of every one of the other twelve pastors in Louisiana.

The close union of church and state in Spain and the Spanish possessions made the church dependent upon the state for all its ordinary expenses. Besides the pastor's living the king furnished also a salary of \$60 a year for the sacristan, and \$50 for expenses<sup>229</sup> which were usually for bread, wine, and candles. Extraordinary expenses were also borne by the state, as it may be seen from the reports of Collel and the petition of Father Quintana. Naturally the Crown had a great deal of control over the affairs of the Church; and even such minor things as the appointment, discipline, and removal of a sacristan were of the Crown's competence.<sup>230</sup>

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On October 20-21, 1785, during the dual incumbency of Father Deva, the parish received the pastoral visitation of "the Most Illustrious and Reverend" Cyrilo of Barcelona, titular bishop of Tricaly, and auxiliary to the bishop of Santiago de Cuba.<sup>231</sup> Besides ordering the introduction of a better set of books for the

<sup>225</sup>PPC, Leg. 2364, Francisco Rivas to Carondelet, January 2, 1795. Also Leg. 2364, Carondelet to Rendon, January 16, 1795.

<sup>226</sup>Martin, op. cit., 343.

<sup>227</sup>*Ibid.*, 242.

<sup>228</sup>*Ibid.*, 304.

<sup>229</sup>Martin, op. cit., 242.

<sup>230</sup>PPC, Leg. 51, Juan de Mier y Teran to Manuel Gayoso de Lemos, March 19, 1799, about some fault of the sacristan Antonio Silva, and the dispositions taken in that regard.

<sup>231</sup>Register of Baptisms, Manchac, 1781-1785, page 57 f.



recording of the parochial acts, the bishop renewed the dissipating ordinance governing the succession of parish priests in Louisiana.

After the death of a parish priest, unless the deceased left a will (which was not done in the case of Capuchins as friars owned nothing in law), an inventory should be taken by the nearest neighboring priest, jointly with the Commandant of the place, of all the worldly goods left by the deceased pastor.

The property must then be sold at public auction, and with the proceeds of the sale the debts of the deceased priest must first be paid, if he left any; but not a cent must go towards the expenses of the funeral. These must be borne by the parish, for it is meet, says the bishop, that for the many toils and loving cares of the pastor the parish should for once show a little appreciation. Of what is left over, after having satisfied all creditors, there are to be formed three funds: the first to be destined for the celebration of masses for the repose of the deceased's soul; the second to go to the parish; and the third to be put aside and turned over to the new pastor when one will be appointed. This last provision, as well as the bitter remark of the bishop about the lack of appreciation for the labors of the pastor, was justified by the fact that when a new pastor came to take charge of a parish, he found the rectory stripped of even the most essential articles of furniture and elementary convenience. This condition owed its existence to the practice of placing the administration of church property and revenues in the hands of the congregation, which exercised it through a *Fabrica* or board of trustees, after the fashion of the Protestant vestry.<sup>232</sup> The *Fabrica* was composed of laymen whose point of view was always at variance with that of the hierarchy and the parochial clergy. Under that system the pastor was simply a salaried officer of the *Fabrica*, charged solely with the performance of spiritual functions, and having no voice in the administration of the temporal affairs of the parish.

Much more interesting is the bishop's decree regarding espousals and marriage.<sup>233</sup> Espousals was a very formal and solemn pledge entered into by marriageable men and women that henceforth they were engaged to be married. The Church prescribed this preliminary ceremony, and, indeed, sanctioned it

<sup>232</sup>Cf. Channing, *op. cit.*, vol. V, 214 f.

<sup>233</sup>Register of Baptisms, Manchac, 1781-1785, page 33 f.

with such a degree of solemnity that, if the couple broke their engagement, they were prohibited from contracting another marriage, unless the Church released them from their previous obligation through a canonical dispensation. The bishop's order was to the effect that minors under the age of twenty-five years were incapacitated by law to contract either espousals or marriage without the consent of their parents;<sup>234</sup> or, in case both parents were dead, without the consent of the nearest senior relative; or, in the absence of a relative, without that of the local Commandant. This consent or license must in any case be a written instrument. Men and women above the age of twenty-five were not subject to the law; but for all practical purposes they had, nevertheless, to comply with it, insofar as it applied to the contracting of marriage. Negroes, mulattoes, and Indians were exempt from these provisions. Strangers and unknown couples might not contract either espousals or marriage without the written license of the local Commandant. In all cases the license with all other information gathered by the pastor about the lives, morals, conduct, free estate and condition of the contracting parties must be carefully preserved in the parochial archives.

The civil penalties for those who disregarded these general provisions that emanated from a "Royal Cedula y Pragmatica of 1779," was, for both minor and major children, the loss of both paternal and maternal inheritance, besides several other punishments.

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<sup>234</sup>Recall Hardwicke's Marriage Act of 1753 in England.



## THE BRITISH PROCLAMATION OF OCTOBER 7, 1763, CREATING THE GOVERNMENT OF WEST FLORIDA

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*Introductory note by the Editor of the Quarterly.*

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ONE of the very scarce documents concerning the history of West Florida is here reproduced from a photostatic copy of the Proclamation of George III printed in the Gentleman's Magazine of October, 1763, pp. 477-479. From the same issue, pp. 552-554 we reproduce a paper entitled "Some Account of the Governments of East and West Florida with a Map of the Country according to the limits laid down by the Royal Proclamation." Unfortunately we have not been able to obtain a copy of the map referred to in this paper.

It is unnecessary to call attention to the absorbing interest this Proclamation has for students of the history of all that part of Louisiana once called the Florida Parishes, now comprising the whole of the State east of the Mississippi River, except New Orleans and the section south of Baton Rouge once bounded on the north by the now extinct Iberville River and on the east by Lakes Maurepas and Pontchartrain.

H. P. D.



## I.

## Proclamation respecting new Governments in America 477

By the KING, a PROCLAMATION.  
GEORGE, R.

Whereas we have taken into our royal consideration the extensive and valuable acquisitions in America, secured to our crown by the late definitive treaty of peace concluded at Paris the 10th day of February last; and being desirous that all our loving subjects, as well of our kingdoms as of our colonies in America, may avail themselves, with all convenient speed, of the great benefits and advantages which must accrue therefrom to their commerce, manufactures, and navigation; we have thought fit, with the advice of our said privy council, to issue this, our royal proclamation, hereby to publish and declare to all our loving subjects, that we have, with the advice of our said privy council, granted our letters patent under our great seal of Great Britain, to erect within the countries and islands, ceded and confirmed to us by the said treaty, four distinct and separate governments, titled and called by the names of *Quebec*, *East Florida*, *West Florida*, and *Grenada*, and limited and bounded as follows\*, viz.

First, the government of *Quebec*, bounded on the *Labrador* coast by the river *St John*, and from thence, by a line drawn from the head of that river, through the lake *St John*, to the South end of the lake *Nipissim*; from whence the said line, crossing the river *St Lawrence* and the lake *Champlain* in 45 degrees of North latitude, passes along the High Lands, which divide the rivers that empty themselves into the said river *St Lawrence*, from those which fall into the sea; and also along the North coast of the *Baye des Chaleur*, and the coast of the Gulph of *St Lawrence* to *Cape Rothers*, and from thence crossing the mouth of the river *St Lawrence* by the West end of the island of *Anticosti*, terminates at the aforesaid river *St John*.

Secondly, The government of *East Florida*, bounded to the Westward by the Gulph of *Mexico* and the *Apalachicola* river; to the Northward, by a line drawn from that part of the said river where the *Catahouchee* and *Flint Rivers* meet, to the source of *St Mary's* river, and by the course of the said river to the *Atlantic Ocean*; and to the East & South by the *Atlantic Ocean*, and the Gulph of *Florida*, including all islands within six leagues of the sea coast.

\* See the Map published in our Magazine for July 1755.

(Gent. Mag. Oct. 1763.)

Thirdly, The government of *West Florida*, bounded to the Southward by the Gulph of *Mexico*, including all islands within six leagues of the coast from the river *Apalachicola* to lake *Pontchartrain*; to the Westward by the said lake, the lake *Maurepas*, and the river *Mississippi*; to the Northward, by a line drawn due East from that part of the river *Mississippi* which lies in 31 degrees North latitude, to the river *Apalachicola*, or *Catahouchee*; and to the Eastward by the said river.

Fourthly, The government of *Grenada*, comprehending the island of that name, together with the *Grenadines*, and the islands of *Dominico*, *St Vincent*, and *Tobago*.

And to the end that the open and free fishery of our subjects may be extended to, and carried on upon the

coast of *Labrador* and the adjacent islands, we have thought fit, with the advice of our said privy council, to put all that coast from the river *St John's* to *Hudson's* Straights, together with the islands of *Anticosti* and *Madelaine*, and all other smaller islands lying upon the said coast, under the care and inspection of our governor of *Newfoundland*.

We have also, with the advice of our privy council, thought fit to annex the islands of *St John's* and *Cape Breton*, or *Isle Royale*, with the lesser islands adjacent thereto, to our government of *Nova Scotia*.

We have also, with the advice of our privy council, aforesaid, annexed to our province of *Georgia* all the lands lying between the rivers *Altamaha* and *St Mary's*.

And whereas it will greatly contribute to the speedy settling our said new

governments, that our loving subjects should be informed of our paternal care for the security of the liberties and properties of those who are, and shall become, inhabitants thereof; we have thought fit to publish and declare, by this our proclamation, that we have, in the letters patent under

our great seal of *Great Britain*, by which the said governments are constituted, given express power and direction to our governors of our said colonies respectively, that so soon as the state and circumstances of the said colonies will admit thereof, they shall, with the advice and consent of the members of our council, summon and call general assemblies within the said governments respectively, in such manner and form as is used and directed

Qq q

478 *Encouragement for Soldiers to settle in America.*

rected in those colonies and provinces in *America*, which are under our immediate government; and we have also given power to the said governors, with the consent of our said councils, and the representatives of the people, to be summoned as aforesaid, to make, constitute, and ordain laws, statutes, and ordinances for the public peace, welfare, and good government of our said colonies, and of the people and inhabitants thereof, as near as may be agreeable to the laws of *England*, and under such regulations and restrictions as are used in other colonies; and in the mean time, and until such assemblies can be called as aforesaid, all persons inhabiting in, or resorting to, our said colonies, may confide in our royal protection for the enjoyment of the benefit of the laws, of our realm of *England*; for which purpose we have given power under our great seal to the governors of our said colonies respectively, to erect and constitute, with the advice of our said councils respectively, courts of judicature and public justice within our said colonies, for the hearing and determining all causes, as well criminal as civil, according to law and equity, and, as near as may be, agreeable to the laws of *England*, with liberty to all persons who may think themselves aggrieved by the sentence of such courts, in all civil cases to appeal under the usual limitations and restrictions to us, in our privy council.

We have also thought fit, with the advice of our privy council as aforesaid, to give unto the governors and councils of our said three new colonies upon the continent, full power and authority to settle and agree with the inhabitants of our said new colonies, or with any other persons who shall resort thereto for such lands, tenements, and hereditaments as are now, or hereafter shall be in our power to dispose of, and them to grant to any such person or persons, upon such terms, and under such moderate quitrents, services and acknowledgments, as have been appointed and settled in our other colonies, and under such other conditions as shall appear to us to be necessary and expedient for the advantage of the Grantees, and the improvement and settlement of our said colonies.

And whereas we are desirous, upon all occasions, to testify our royal sense and approbation of the conduct and bravery of the officers and soldiers of

our armies, and to reward the fame, we do hereby command and empower our governors of our said three new colonies, and all other our governors of our several provinces on the continent of *North America* to grant, without fee or reward, to such reduced officers as have served in *North America* during the late war, and to such private soldiers as have been or shall be disbanded in *America*, and are actually residing there, and shall personally apply for the same, the following quantities of lands, subject at the expiration of ten years to the same quit rents

B as other lands are subject to in the province within which they are granted, as also subject to the same conditions of cultivation and improvement, viz.

To every person having the rank of a field officer, 5000 acres.

C To every captain 3000 acres.

To every subaltern or staff officer 2000 acres.

To every non-commission officer, 200 acres.

To every private man 50 acres.

We do likewise authorize and require the governors and commanders in chief of all our said colonies upon the continent of *North America* to grant the like quantities of land, and upon the same conditions, to such reduced officers of our navy of like rank, as served on board our ships of war in *North America* at the times of the reduction of *Louisbourg* and *Quebec* in the late war, and who shall personally apply to our respective governors for such grants.

And whereas it is just and reasonable, and essential to our interest and the security of our colonies, that the several nations or tribes of *Indians*,

F with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to, or purchased by us, are

G reserved to them, or any of them, as their hunting grounds, we do therefore, with the advice of our privy council, declare it to be our royal will and pleasure, that no governor, or commander in chief, in any of our colonies of *Quebec*, *East Florida*, or *West Florida*, do presume, upon any pretence whatever, to grant warrants of survey, or pass any patents for lands beyond the bounds of their respective governments, as described in their commissions; as also that no governor or



*Private Persons not to purchase Lands of the Indians.* 479

or commander in chief of any of our other colonies or plantations in America, do presume for the present, and until our further pleasure be known, to grant warrant of survey, or pass patents for any lands beyond the heads or of sources of any of the rivers which fall into the *Atlantic Ocean* from the West or North-West; or upon any lands whatever, which not having been ceded to, or purchased by us, as aforesaid, are reserved to the said *Indians*, or any of them.

And we do further declare it to be our royal will and pleasure, for the present as aforesaid, to reserve under our sovereignty, protection and dominion, for the use of the said *Indians*, all the lands and territories not included within the limits of our said three new governments, or within the limits of the territory granted to the *Hudson's Bay* company; as also all the lands and territories lying to the westward of the sources of the rivers which fall into the sea from the West and North-West as aforesaid; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our especial leave and license for that purpose first obtained.

And we do further strictly enjoin and require all persons whatever, who have either wilfully or inadvertently feated themselves upon any lands within the countries above described, or upon any other lands, which not having been ceded to, or purchased by us, are still reserved to the said *Indians* as aforesaid, forthwith to remove themselves from such settlements.

And whereas great frauds and abuses have been committed in the purchasing lands of the *Indians*, to the great prejudice of our interests, and to the great dissatisfaction of the said *Indians*: in order therefore to prevent such irregularities for the future, and to the end that the *Indians* may be convinced of our justice and determined resolution to remove all reasonable cause of discontent, we do, with the advice of our privy council, strictly enjoin and require, that no private person do presume to make any purchase from the said *Indians* of any lands reserved to the said *Indians* within those parts of our colonies where we have thought proper to allow settlement; but that if at any time any of the said *Indians* should be inclined to dispose of the said lands, the same shall be purchased

only for us, in our name, at some public meeting or assembly of the said *Indians*, to be held for that purpose by the governor or commander in chief of our colony respectively within which they shall lie: And in case they shall lie within the limits of any proprietary government, they shall be purchased only for the use, and in the name of such proprietaries, conformable to such directions and instructions as we or they shall think proper to give for that purpose: And we do, by the advice of our privy council, declare

- A and enjoin, that the trade with the said *Indians* shall be free and open to all our subjects whatever, provided that every person who may incline to trade with the said *Indians*, do take out a license for carrying on such trade, from the governor or commander in chief of any of our colonies respectively,
- C where such person shall reside, and also give security to observe such regulations as we shall at any time think fit, by ourselves or by our commissaries, to be appointed for this purpose, to direct and appoint for the benefit of the said trade: And we do hereby authorize, enjoin, and require the governors and commanders in chief of all our colonies respectively, as well those under our immediate government, as those under the government and direction of proprietaries, to grant such licenses without fee or reward, taking especial care to insert therein a condition that such license shall be void, and the security forfeited, in case the person to whom the same is granted, shall refuse or neglect to observe such regulations as we shall think proper to prescribe as aforesaid.
- E

- F And we do further expressly enjoin and require all officers whatever, as well military as those employed in the management and direction of *Indian* affairs within the territories reserved, as aforesaid, for the use of the said *Indians*, to seize and apprehend all persons whatever, who standing charged with treasons, misprisions of treason, murders, or other felonies or misdemeanors, shall fly from justice and take refuge in the said territory, and to send them under a proper guard to the colony where the crime was committed of which they shall stand accused, in order to take their trial for the same.
- H

Given at our court at *St James's*, the 7th day of *October*, 1763, in the third year of our reign.

GOD save the KING.



## II.

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## Account of East and West Florida.

Some account of the Government of East and West Florida; with a Map of the Country, according to the Limits laid down by the Royal Proclamation. (See p. 477.)

THE limits of the new governments of East and West Florida, being settled by Royal Proclamation, nothing more need be added on that head, than just to mention their situation, between the 25th and 31st degrees of North latitude, and between the 81st and 91st degrees of West longitude from London. By this situation, the whole country may be supposed to be exceeding hot, especially the fourthernmost parts of it, but these are thinly inhabited: The navigation is dangerous, and the country, as may be seen in the map, is broken and unimprovable. The climate of West Florida, of which Pensacola is the capital, is extremely pure and wholesome; the natives are healthy and strong, and live to a good old age. The climate of East Florida is very unequal, and is chiefly inhabited on the East and West sides. St Augustine, on the East, is the capital of this new government, and is a town of considerable trade, which doubtless will be much improved by the industry of the new settlers.

Sebastian Cabot is said to be the first discoverer of this country and was followed, 18 years afterwards, by one Ponce de Leon, who in quest of the islands of Boiuca, in which the Indians affirmed was a spring, the virtue of whose waters was to restore youth, fell in with the land of Florida on Easter-day, in 1512, which, according to the Spanish phrase, is the flourishing day of Pascha, from whence it derives its name.

The soil of many parts of Florida is remarkably fertile, and may be cultivated to great advantage; and it is affirmed, but upon what authority we know not, that grapes may, with proper care, be ripened to maturity, and wine extracted from them, as in Europe, an excellence not yet discovered in any other part of North America. The sea-coast is every where flat, sandy, and full of shoals; and on the shore oysters are found in plenty, and the bays abound with fish.

The inland country is plentifully stocked with cattle, whose hair is so fine, that, with a proper mixture of furr or wool, it is capable of being manufactured into hats or cloth. Horses are more generally used in

these countries, and are cheaper, than in any of our other settlements abroad. The forests abound with wild beasts, the plains with birds of various kinds, and the rivers with fowl and fish; and, in short, by the best accounts that are yet extant, there appears to be no want of the necessaries and conveniences of life; nor is the climate so intolerably hot as to affect the health of those who may think fit to settle there.

B Cochineal and indigo are among the natural productions of this country; and ambergrise is found in abundance on the fourthernmost coasts.

The native Indians of Florida are perhaps the handsomest people in America; their complexion is rather inclining to olive than copper; their eyes are black and piercing, their bodies robust, and their limbs finely turn'd: Their women swim the rivers, climb trees, and are in general so remarkably swift, that racing among them is a favorite diversion.

Before the Spaniards possessed themselves of Florida, the natives had a kind of civil government, the traces of which they preserve to this day. They were divided into petty states, who generally warred with each other, and who still continue the same practice. By the natural antipathy of these states to each other, and their propensity to bloodshed, any considerable increase in their numbers is prevented; but they are, notwithstanding, all together very troublesome neighbours, as they unite in an unfurmountable aversion to the Spaniards, and perhaps to Europeans in general for their sakes, owing to the treachery of the first settlers.

F The following instance will account for this prejudice: Luke Vasquez, a Mexican Spaniard, being in want of hands to work in the mines, formed a design of supplying his numbers by fraud or violence; with this view he fitted out two vessels, and landing on the coast of Florida, the uncommon appearance of his ships drew numbers of the inhabitants to the shore, whose curiosity was increased by the more extraordinary appearance of their crews: Two of these spectators, who appeared more enterprising than the rest, were inticed on board, and being

G entertained by the sight of all that was rare, were refreshed with wine, and feasted with meats seasoned after the European manner, and then courteously conducted on shore, and dismissed (Gent. Mag. Nov. 1763.)

## Account of East and West Florida.

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miffed. This stratagem had the desired effect; the great men of the country came down, numerous, attended, invited the *Spaniards* to their respective places of residence, shew'd them all that was rare in their country, gave them gold, and whatever else they admired as precious, & expressed the highest veneration for beings, whom they looked upon as visitors from heaven, infinitely superior in every respect to themselves. When the *Spaniards* had thus far succeeded, and had supplied their ships with provisions and water, they then gave a general invitation to the *Indians*, to partake of an entertainment, such as had been given to their two brethren. The *Indians* crowded on board, each eager to gratify his curiosity, rather than his appetite, and the *Spaniards* discovered a particular pleasure in obliging them; and, under pretence of increasing their wonder, they spread their sails, and weigh'd up their anchors; and being thus prepared for their departure, invited them to feast. To engage them more effectually to partake of the banquet, they provided the most favourable meats; and having ranged their guests in the best order they could, sat down with them, served them with wine, and drank freely with them themselves, till perceiving they grew warm, they ply'd them with a more intoxicating liquor, till they tumbled down one after another, stupidly drunk. In this situation, the treacherous *Spaniards* coupled them together with chains, conveyed them into the holds of their ships, and then closed the hatches, and suffered them to sleep till they recovered their senses. In the mean time they put to sea, and, to the terror and annoyance of the spectators on shore, they wantonly discharged their broadsides in token of triumph, kill'd some, and dispersed the rest. The unhappy captives, when they awoke & discovered their situation, expressed their sorrow by the most piercing cries; many of them refused all sustenance, and obstinately met death by hunger; others pined away, broken-hearted; and many perished in one of the vessels that foundered in the passage; and the few that survived were dragged into cruel and hopeless slavery.

This act of treachery, however, cost the contriver of it dear; for *Vasquez*, allured by the gold, silver, and jewels, which he observed in his excursions

into the country, returned to *Florida* in a few years after with a greater force; but the memory of his treachery remained deep in the hearts of the injured natives: 200 of his men were cut off in one night, some of his ships perished at sea, and he himself, impoverished and disappointed, died of a broken heart soon after his return home.

These *Indians* have some traces of religion, or rather superstition, among them, by which their actions are in a great measure influenced. Their adoration is paid chiefly to the Sun and Moon; but they hold in great esteem a kind of holy men among them, who are consulted upon all occasions of danger and distress, and whose advice is implicitly obeyed. In these consultations, however, they distinguish between the enterprise, & the means of attaining it: For example, as to the fortunate hour of commencing a war, they consult the holy man; but how the war shall be carried into execution, is debated in a general council of war held in presence of their chiefs; the determination of which was never known to be betrayed to an enemy by any of the members present, tho' endeavoured to be extorted by the most cruel tortures. They are implacable enemies, but faithful friends: They have an utter abhorrence of slavery, and rather chuse to die by the most tormenting deaths, than be sold by their enemies for slaves; esteeming nothing so horrible to nature as slavery, and dreading the tyranny of *Christians* more than the deprivation of life. This temper keeps them at a distance from the *Spanish* settlements, which they seldom visit but upon extraordinary occasions.

The *Spaniards* are no less cautious of trusting the *Indians*; tho' some, at the risk of life, venture among them in pursuit of trade.

We have already taken notice, that *St Augustine* and *Pensacola* are the chief cities in the East and West governments of *Florida*; but *Pensacola* being situated in the *Gulph of Mexico*, has, by that means, some advantage over *St Augustine*.

It has been generally suspected that the commerce privately carried on by the islanders in the *West Indies*, furnishes the continent of *North America* with most of its silver coin. As this traffic may, with equal convenience, be carried on from *West Florida*, there is no doubt but the new inhabitants will

will endeavor to avail themselves of the fruits of it.

A thorough knowledge of the coast, and navigation of the gulph, is indeed necessary for this trade; but a little practice will soon enable an industrious adventurer to surmount all difficulties, and enrich himself by means equally just and laudable, though prohibited by the *Spaniards* to every nation but their own. The immense gain which this trade produces will probably soon make *West Florida* be numbered among our most flourishing colonies; and the situation of *East Florida*, by its neighborhood to *Cuba*, will likewise share advantages,

of which the remoter colonies cannot be partakers. And as the profits arising from these acquisitions will finally center in the mother country, the importance of the late cessions to *Great Britain* may from these considerations be deduced.

The dotted lines in the Map mark the boundaries of the two governments, which in *West Florida* do not extend beyond one degree from the sea coast; all the country to the North of this line is possessed by *Indians* of various nations, who in summer inhabit the plains, and in winter retire to the forests.





## LOUISIANA POLITICS, 1845-1861

(Continued from July, 1930.)

By JAMES KIMMINS GREER, B. A., M. A.

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### CHAPTER XV COOPERATION OR SECESSION?

DURING the Presidential election and until the outbreak of war, newspapers were almost entirely devoted to the discussion of the crisis confronting the country, and were the recognized spokesmen of the people. Every newspaper of the State continued to give prominence to the subject of the consequences of the late election. The *Crescent* took the position that union at any price was too dear, placed the constitution before the Union, and declared that abolitionism should be quietly submitted to or determined action taken.<sup>1</sup>

The *Bulletin* favored a Convention of the people of the State to secure co-operation before acting with the other Southern States.<sup>2</sup> On the other hand, the *Bee* and the *Picayune* were quiet, even submissive, preferring to wait and see if Congress and the Supreme Court could not hold in leash the victor of the late election outrage. The former journal trusted that the people might become cool and dispassionate by the time a convention should be called, while the latter was openly opposed to any steps leading to secession.<sup>3</sup> The *Delta* blamed the denunciation of southern sectionalism by the *Bee*, *Bulletin* and *Picayune* for the large northern vote in favor of Lincoln. Now these papers would have to reverse positions and show the North that the South wasn't submissive to Abolition rule.<sup>4</sup>

By the middle of November, the Conservative papers—the old Whig journals—admitted the growth of sentiment for resistance to the “Black Republican” dynasty,<sup>5</sup> although they advocated strict legality and formality in calling State Conventions, and suggested a “Southern Conference” which would dispassionately investigate issues confronting the country.<sup>6</sup> The *Delta*

<sup>1</sup>*Crescent*, November 12, 17, 1860.

<sup>2</sup>*Bulletin*, November 12, 1860.

<sup>3</sup>*Bee*, November 12, 13, quoted in *Weekly Delta*, November 17, 1860; *Picayune*, November 12, 13, 1860.

<sup>4</sup>*Weekly Delta*, November 17, 1860.

<sup>5</sup>*Bee*, November 14, 1860; *Picayune*, November 14, 1860.

<sup>6</sup>*Picayune*, November 17, 1860; *Bee*, November 17, 1860.

began to speak of Louisiana eventually lining up with South Carolina, although it admitted that sentiment for this step would be slow in forming on account of the character of the population, considerations of relations with the North, and the number of temporary residents and foreigners. But it believed that when these elements became imbued with the spirit of resistance and the agricultural class had had time to declare its position, Louisiana would stand with the other Southern States.<sup>7</sup> It was generally admitted that financial embarrassments would follow the interruption of trade and business, but both conservative and radical opinion professed to believe that such evils would fall harder on the North than on the South.<sup>8</sup>

As the spirit of the Louisiana press reflected the sentiments of its readers, it is interesting to note, from time to time, the position of the country papers also. The *Civic Guard*, published at Houma, Terrebonne parish, gave notice of a meeting which had been called to consider the great issue before the people, but informed its "Union friends" that the meeting was not called for the purpose of fostering secession. It stood, however, for unity of the people whether for a United South in disunion or for the sake of the Union.<sup>9</sup> The *Iberville Magnolia* (Iberville parish) twitted those who had clamored for a dissolution of the Union before the election, but who were now so quiet. But, at the same time, everyone knew what to expect from a "Black Republican" President, so military drill and civil action should be begun as evidence that he would not be accepted.<sup>10</sup> The words of the *Gazette* and *Comet* (Baton Rouge) of November 17, give a very good idea of the attitude of the conservative press of the State, and also portrays the growth of feeling over the situation:

The press seems to have let go. Even the conservatism which seemed a month ago, to view the coming storm with calmness, now gives way to consternation—here at the very time it is most needed. The excitement spreads like an evil contagion. Meetings have been held in New Orleans calling on the Governor for an extra session of the Legislature here on the very eve of the regular session, and without any greater emergency now, than existed six months ago. We hope the Governor will coolly consider the petition and not act hastily in reference thereto.

<sup>7</sup>*Weekly Delta*, November 17, 1860.

<sup>8</sup>*Ibid.*, November 10, 1860; *Bee*, November 20, 1860.

<sup>9</sup>Quoted in *Daily Picayune*, November 20, 1860.

<sup>10</sup>*Iberville Magnolia*, November 20, 1860.

However, some of the journals of the State held that Lincoln had been elected under the laws and the Constitution and that it was unnecessary to talk of Southern grievances until after Lincoln's inauguration.<sup>11</sup> Others suggested that the South should calmly demand a repeal of the unconstitutional laws;<sup>12</sup> but the more aggressive saw no middle ground between "unconditional submission and unqualified resistance."<sup>13</sup> Meantime, a meeting had been held at Odd Fellow's Hall and a "Southern Rights Association"<sup>14</sup> organized. B. W. Adams, W. C. Claiborne, F. R. Lubbock of Texas, and Colonel Gladden of South Carolina led in active participation in the organization. Breckenridge men, Bell men, and Douglas men came to the meeting. The *True Delta* called attention to John Slidell's absence from the meeting, and denounced him for committing the State to "secession and revolution" without showing how a separate existence could be maintained.<sup>15</sup> This criticism from a Soulé organ marked the beginning of the attacks by the Co-operationists on the separate State secessionists.

By the latter part of November, 1860, the feeling that some position should be taken on the question of local conventions and "Southern" conferences had become general in Louisiana. The conservative press of the State proclaimed that the interests imperiled by the victory of a sectional Northern party should be defended, but that every individual should endeavor to save the Union—if possible. The same element maintained that separate state action of the Southern States would only lead to a convention of all the States of the South and that courtesy demanded that each state delay final action until her sister states had been consulted.

The New Orleans *Bee* classified the majority of the people of the State in reference to their political views into "original Disunionists," who loudly asserted the expediency of secession, and Disunionists as an ultimate-remedy class. This second class favored a southern conference on the grounds of unity, stronger influence, dignity and strength, which would cause its enemies to hesitate at coercion. The convention to be held in the near future was to decide the preponderance in Louisiana of these two factions. But *The Weekly Delta* desired the *Bee* to explain

<sup>11</sup>*Gazette and Comet*, November 24, 1860.

<sup>12</sup>*The Constitutional*, November 24, 1860.

<sup>13</sup>*Weekly Delta*, November 24, 1860.

<sup>14</sup>*Ibid.*; *True Delta*, November 25, 1860.

<sup>15</sup>*True Delta*, November 25, 1860.



the election of Lincoln as other than an emphatic expression of enmity toward the South, and declared that the State could only remain in the Union "at the price of liberty and honor."<sup>16</sup> Likewise, Mr. A. H. Stephen's speech before the Georgia Legislature which was applauded by the *Daily Picayune*, was, according to the *Delta*, only a union-saving scheme to delay secession of the Southern States from a union no longer worthy of preservation.<sup>17</sup> The issue to be met was "secession, or absorption and extinction," and the idea of exacting guarantees for the future as suggested by the *Bee* brought the retort that it "should as soon think of making a compact with the devil as with the people who now inhabit the Northern States."<sup>18</sup>

Meanwhile, the voice of the conservative element, *The Daily Picayune*, continued to council deliberation, suggesting amendments to the Constitution as a remedy for their difficulties, opposing separate state action as unsafe, and urging the maintenance of the Union until all the states were ready to go out together.<sup>19</sup>

These devices were hopeless efforts against the force of gravitation in the opinion of the opposition which saw constitutional objections to a convention of the Southern States, which, if held, would witness the border states outvoting the Southern on every issue.<sup>20</sup> Conservative professions of a belief in returning common sense on the part of the Northern organs on the question of enforcement of the fugitive slave law,<sup>21</sup> and a faint hope in Thurlow Weed's proposed plan of compromise were "the merest show and humbug," according to the *Delta* of December 8, 1860.

Thus the controversy continued, the press of the State being divided on the present duty of the people; the *Picayune* consistently advocating concurrent state action,<sup>22</sup> while the *Delta* could see only separate state action, with the other journals to arrive eventually at "a full appreciation of the true state of affairs in Louisiana."<sup>23</sup> In fact, the *Bee* admitted the growth of secession sentiment in Louisiana,<sup>24</sup> while the *Bulletin* came to advocate separate secession with the hope of a general conference

<sup>16</sup>*Weekly Delta*, New Orleans, December 1, 1860.

<sup>17</sup>*Ibid.*, December 1, 1860.

<sup>18</sup>*Ibid.*, November 30, 1860.

<sup>19</sup>*Daily Picayune*, December 2, 4, and 5, 1860.

<sup>20</sup>*Weekly Delta*, December 1 and 8, 1860.

<sup>21</sup>*Daily Picayune*, December 6, 1860.

<sup>22</sup>*Daily Picayune*, December 7, 1860.

<sup>23</sup>*Weekly Delta*, December 8, 1860.

<sup>24</sup>*Ibid.*, December 8, 1860.

following<sup>25</sup> all to the pleasure of the *Delta*, which jeered the *Picayune's* "subsidence into fatuity and confusion."

Although all had conceded, by December 1, the necessity for at least calling conventions representing the sovereignty of the States, pleas for the Union and for Cooperation within the Union were persistent. A printed call, circulated in New Orleans, was headed, "Conservative Meeting, without distinction of Party."<sup>26</sup> Correspondence from Plaquemines to the *Picayune* dated December 4, stated that the Union men were organizing in order to attempt to elect their delegates to the State Convention which they thought the General Assembly would call.<sup>27</sup>

*The Constitutional*, of Alexandria, demanded that Rapides parish send the best men to the State Convention regardless of the "Scheme of disunion put forth by 'Old Houmas' and those he has driven into his net for a treasonable and dishonorable purpose."<sup>28</sup> The *Gazette* and *Comet* wanted the Legislature to submit the question of convention or no-convention to the people.<sup>29</sup> The consistently conservative *Picayune* called attention to the absence of visitors and the dullness of business in New Orleans on account of the political situation; but at the same time, admitted that the feeling in favor of immediate secession was very strong in the country and not weak in the City.<sup>30</sup>

In the meantime Governor Moore called a special session of the Legislature to consider the question of secession and the possibility of war. The *Delta* felt that the Legislature should consult calmly together and pass laws providing for draft of one-fourth of the militia of each parish, arms, military instructors, and a convention of the people.<sup>31</sup> At the same time bickering should have no part in the session of these solons, though leading secession organs fretted over the danger of allowing "scheming politicians" to persuade them to see no peril in the antics of Northern fanatics, insurrection inciters, and a younger generation of abolitionists.

The Legislature met on December 10, with twenty-three Senators and sixty-one Representatives present. Its deliberations were characterized by harmony and good feeling. The Gover-

<sup>25</sup>*Ibid.*, December 13, 1860.

<sup>26</sup>*Weekly Delta*, December 1, 1860.

<sup>27</sup>*Daily Picayune*, December 5, 1860.

<sup>28</sup>*The Constitutional*, December 8, 1860.

<sup>29</sup>*Gazette and Comet*, December 8, 1860.

<sup>30</sup>*Daily Picayune*, December 9, 10, 1860.

<sup>31</sup>*Weekly Delta*, December 2, 1860.

nor's message<sup>32</sup> to the body, among other things, stated that the time had passed when men hesitated to calculate the value of the Union. He recommended the election of members to a convention which should determine the relations of Louisiana to the Federal Government, and the purchase of half a million dollars worth of arms. Concerning his own opinion on the paramount question of the time, Governor Moore said:

I have earnestly desired that a conference of the slaveholding states should be held in order that they might counsel together and act unitedly in this grave crisis. I still desire that such a conference shall be had, if practicable in point of time . . . I do not think the action of Louisiana should be unreasonably postponed under the mere hope or expectation that such a body would be at some distant day convened. It should meet at once and determine at once, before the day arrives for the inauguration of a Black Republican President.

I do not think it comports with the honor and respect of Louisiana, as a slaveholding state, to live under the government of a Black Republican President. I will not dispute the fact that Mr. Lincoln is elected according to the forms of the Constitution; but the greatest outrages, both upon public and private rights, have been perpetrated under the forms of law. This question rises high above ordinary political considerations. It involves our present honor and our future existence as a free and independent people . . .<sup>33</sup>

Bills providing for a State Convention, the formation of military companies, submitting the matter of a Convention to the people, sending two commissioners to the various Southern States to consult on the condition of affairs, and favoring a convention of the Southern States were referred to a joint special committee.<sup>34</sup> A convention bill providing for an election on January 7, of delegates to a State Convention to be held at Baton Rouge on January 23, 1861, was passed without amendment.<sup>35</sup> Wirt Adams, commissioner from Mississippi, was present and addressed the Legislature on the situation in his State and expressed pleasure at finding Louisiana closely united with her.

<sup>32</sup>Governor Moore had been a State Senator. He was a resident of Rapides Parish when elected Governor. He was a Democrat, and a native of North Carolina.

<sup>33</sup>*Daily Picayune*, December 11, 1860.

<sup>34</sup>*Ibid.*, December 12, 1860.

<sup>35</sup>*Ibid.*, December 13, 14, 1860.



When the Legislature carried out the suggestions of the Governor,<sup>36</sup> by passing bills for the calling of a State Convention and reorganization of the militia system, everyone approved. With regard to the Governor's message the *Delta* stated that, "Governor Moore is not what may be called a 'fast man', in politics; but if he is slower than some others, he is just as sure to come right in the end." True, the Governor had hinted at cooperation but had suggested nothing similar to the "Cooperation sham of the Submissionists and Union-Savers", but deprecated delay an unreasonable length of time.<sup>37</sup> But the conservative *Picayune* still counseled deliberate action while the Legislature was in session,<sup>38</sup> and asserted that the main question was whether Louisiana would seek concerted action rather than stay in or go out of the Union.<sup>39</sup> Probably all of the citizenry favored resistance to the threatened aggressions of the non-slave-holding states; but public opinion was undergoing something akin to a revolution because of the taunts of the Northern press. In the rural parishes, immediate secession feeling was strong and even the *Picayune* admitted that it was not weak in New Orleans.<sup>40</sup> Still, the *Picayune* continued its "submission dodge" of concerted movements, "hooted the *Delta*,"<sup>41</sup> while the *Bulletin* was "getting its eyes open"<sup>42</sup> and the *Crescent*, like itself, "ridiculed the absurd idea of saving the Union by means of another Committee"—a reference to Buchanan.<sup>43</sup> Compromises had played out; but perhaps the Committee of Thirty-three could do no harm. But the *Delta* scented insincerity in the project when the Speaker appointed to the committee Southern submissionists, one such being Taylor of Louisiana, who did not represent "the sentiment of their respective states" and who had supported Douglas in the last election.<sup>44</sup> This was a "ghastly" joke when perpetrated by a "Black Republican Speaker."<sup>45</sup>

While these excited discussions were absorbing public attention, what was the attitude of Louisiana's real political spokesmen?

<sup>36</sup>The Legislature appropriated \$500,000.00 for military purposes; provided a military commission was appointed and took other steps preliminary to a possible withdrawal from the Union.

<sup>37</sup>*Weekly Delta*, December 15, 1860.

<sup>38</sup>*Daily Picayune*, December 11, 1860.

<sup>39</sup>*Daily Picayune*, December 12, 1860.

<sup>40</sup>*Ibid.*, December 10, 1860.

<sup>41</sup>*Weekly Delta*, December 13, 1860.

<sup>42</sup>*Ibid.*

<sup>43</sup>*Ibid.*

<sup>44</sup>*Weekly Delta*, December 15, 1860.

<sup>45</sup>*Ibid.*

Slidell had been termed the "boss of the Democratic party" in 1856. In 1860, he was far from being so powerful in the national political arena, though he was still undisputed leader in Louisiana. His letter of November 11, 1860,<sup>46</sup> to President Buchanan throws much light on his first view on secession and his ideas as to future action of the State. The letter read as follows:

My dear Sir:

We have carried Louisiana over Bell by a plurality of about 3000—Very many of the Bell party will act with us in our future movements and a majority of the native citizens who voted for Douglas; but here in the city, seven-eighths at least of the votes for Douglas were cast by the Irish and Germans, who are at heart abolitionists. They can easily be taken care of. Louisiana will act with her sister States of the South. I deeply regret the embarrassments which will surround you during the remainder of your term, and I need scarcely say that I will do everything in my power to modify them as such as possible and to avert any hostile action during your administration.

I see no probability of preserving the Union, nor indeed do I consider it desirable to do so if we could. My only regret will be the separation from the small but gallant band of democrats who have stood by us so manfully in the final contest.

Our Governor will probably convene the Legislature at an early date, when a Convention will be called to appoint delegates to confer with the other Slave States. It may be necessary for me to remain here until January, but if you think my presence in Washington desirable, I will endeavor to leave here towards the close of this month—There is a vacant Judgeship in New Mexico, if there be no urgent necessity to fill it at once, I would be gratified that the appointment be not made at present.

Very faithfully and respy

John Slidell

New Orleans, 11 Novr, '60.

To the *President*<sup>47</sup>

<sup>46</sup>Sears, *John Slidell*, 169.

<sup>47</sup>Sears, *John Slidell*, 174.

Certainly Senator Slidell's forecast in regard to the Bell strongholds seemed to have been at least partially fulfilled when the city of New Orleans that had gone overwhelmingly for Bell in 1860 now seemed to be for outright secession, according to Phelps.<sup>48</sup>

Although Senator Slidell hated to break his relations with President Buchanan, and had been accused by Soulé's faction previous to the election of being too friendly with the North, he maintained that he was thoroughly convinced by the opening of Congress that Secession must come. He wished to maintain the alliance between the South and West, and in a speech to the Senate December 19, 1860, pledged the Mississippi's navigation free to all citizens who were interested in streams that flowed into the Mississippi River.<sup>49</sup>

No doubt Slidell's following in Louisiana had arrived at the same conclusions he had, and were to gain their victory over the Cooperationists more easily because of the concession the latter were forced to make on the main proposition of the Secessionists. The Cooperationists agreed that the juncture required action that the Federal authority could be successfully opposed, but contended for concerted action. They were ever ready to admit the right of secession, and the Secessionists gradually gained adherents by reminding them that the opportunity must not be delayed until it became impossible through Federal action.

Senator Benjamin had been in California conducting a law case during the fall of 1860 and had just returned to his seat in Congress after the body had assembled. The *Picayune's* Washington correspondent reported that, "Mr. Benjamin opposes secession, except in the last resort."<sup>50</sup> But he soon decided that that resort had been reached. He wrote a letter<sup>51</sup> on December 8, outlining his opinions, and stated in conclusion that the interests of the South demanded a prompt separation from the Union.

The accusations of the Northern politicians, that Benjamin helped defeat the Crittenden Compromise, were of slight avail in the South. It was properly understood that Benjamin and his colleagues voted, not against the Compromise, but against an amendment to the measure which was offensive to the South.

<sup>48</sup>No material is available to verify this statement, which is probably somewhat exaggerated, though the returns on the election of January 7, tend to give it some credence.

<sup>49</sup>Sears, *John Slidell*, 175.

<sup>50</sup>Quoted in Butler's *Judah P. Benjamin*, 203.

<sup>51</sup>*Weekly Delta*, December 23, 1860. Also Butler, *Judah P. Benjamin*, 203-204.



Probably Benjamin's greatest effort as a speaker, other than his farewell address to the Senate, was his speech of the last day of December, 1860. He summarized the entire history of the sectional controversy and in such stirring manner that he not only had the plaudits of the gallery, friends, and foes, but exacted tributes of admiration from his bitterest political opponents. His few years in Congress had not only won him renown as an orator and statesman but had produced that feeling of respect which was later to cause Northern writers to speak of him as the "brains of the Confederacy."

Meetings were being held by the middle of December in the rural parishes to discuss measures to be taken in the political crisis. Two meetings of more than usual interest may be mentioned here. A meeting held in St. James parish passed resolutions to the effect that the Louisiana State Convention ought to propose a congress of the slaveholding States. This Congress should then "summon back into the Union those of the Northern States which have withdrawn from it, by violation of the Constitution." If the "nullifying States" refused to obey, or refused to give guarantees of their acts in the future then they should be expelled from the Union.<sup>52</sup> Some citizens of St. Charles parish formed a company of minute men whose object was to secure Southern rights in the Union, if possible, but to advocate secession if other measures failed.<sup>53</sup>

Randall Hunt denied the right of the Legislature to call a State Convention without submitting that question to the people and opposed separate State action as folly and selfish.<sup>54</sup> The *Picayune* re-enforced the opinion of this Old Line Whig, by holding that the delegates of the State Convention should refer their acts to the people for ratification.<sup>55</sup> Furthermore, New Orleans had lost millions of dollars from anticipation of a dissolution of the Union, and the advocates of secession had not explained how these losses might be restored.<sup>56</sup>

Meanwhile arrangements were being made by some New Orleans citizens to run "United Southern Action" candidates for the State Convention.<sup>57</sup> Mass meetings were held by citizens of this group which were addressed by such venerable men as Jacob,

<sup>52</sup>*Daily Picayune*, December 15, 1860.

<sup>53</sup>*Daily Picayune*, December 15, 1860.

<sup>54</sup>*Weekly Gazette and Comet*, December 15, 1860.

<sup>55</sup>*Daily Picayune*, December 16, 1860.

<sup>56</sup>*Ibid.*, December 21, 1860.

<sup>57</sup>*Daily Picayune*, December 19, 1860.

Barker and Thomas J. Durant, nor were such activities confined to New Orleans and Jefferson; in truth, there was soon in the field a "secession" and "Co-operation" ticket<sup>58</sup> throughout the State. Such parishes as Jackson, Franklin, and Assumption reported a strong Union Sentiment and nominated candidates on the Co-operation ticket.<sup>59</sup>

Now, that the Legislature had provided for an election on January 7, 1861, of delegates to a State Convention the Journals of the State renewed their contentions for immediate secession and co-operation, respectively. To the group opposing a hasty change, hopes were held out for a possible reconstruction of the Union, if cooperation should be accepted instead of immediate Secession.<sup>60</sup> Should the North refuse to restore confidence by a failure to respect the Constitution, then the admitted alternative would be a "united secession of the South," a movement which would carry great moral force, and take over the public property of the region.<sup>61</sup> Even when South Carolina seceded<sup>62</sup> the act was characterized as "not unexpected" and was used as an additional argument for the necessity of taking immediate steps to secure a conference of all the slave states. It was pointed out that a conference was certainly not more inconsistent, now, than South Carolina's and Mississippi's commissioners' invitations to Virginia, "not more than six months since," to get her consent to enter into a convention similar to the one now proposed. "The fact is," concluded the *Picayune* of December 21, "immediate separate state secessionists desire nothing but secession. They want no terms . . . because, as there is hope, their fear is that our own terms for a reconstruction of Government may be accepted by the North."<sup>63</sup> To this charge the secessionist *Delta* replied that the difference between them was simply a difference in the means to reach the same end—cooperation of the South.<sup>64</sup> Each felt that the other's plan was impracticable.

At this point in the controversy the *Bee* noticed further change in the sentiments of the people in regard to the Union. This publication believed that New Orleans, "formerly the most

<sup>58</sup>*Ibid.*

<sup>59</sup>*Ibid.*

<sup>60</sup>*Ibid.*, December 18, 1860.

<sup>61</sup>*Daily Picayune*, December 20, 1860.

<sup>62</sup>The news of South Carolina's secession was celebrated in New Orleans by the firing of cannon, display of pelican flag, speech-making, toast-drinking, and general approval.

<sup>63</sup>*Daily Picayune*, December 21, 1860.

<sup>64</sup>*Weekly Delta*, December 22, 1860.

conservative portion of the State," was now "the hotbed of secession."<sup>65</sup> It was conceded that there were thousands who looked upon final separation of the Union as a national calamity, but no hope for a change existed, while the South could not recede from the position she had assumed. The *Picayune*, too, observed that "there is no mistaking the signs of the times, that South Carolina is not alone in the purpose to secede, and will not long be alone in the act of secession."<sup>66</sup>

When the *Bulletin* indicated that it had discovered a movement in the old party ranks to "interfere in the election of delegates to the convention," the *Delta* hastened to state that how a man voted in 1860 was immaterial—provided he was now "an honest, unequivocal, sincere, separate secessionist."<sup>67</sup> Such a man would have their support in preference to "the best Breckenridge man in the State," who favored "submission" or the equivalent of it—"cooperation." The *Delta* was forced to admit, though, that it was "mortified by the discovery" that the "submissionists" had "succeeded in obtaining the cooperation of some respectable, well-meaning citizens, who are true Southerners at heart," but had been "seduced from the path of Southern rectitude and duty by the chimera of cooperation" . . . This paper further declared that the cooperation party had been secretive and stealthy and yet possessed some resources of influence and money. So every "true Southern man" was implored to attend the meetings to be held in the various Representative Districts and to assist in the nomination of candidates to represent the city in the State Convention.<sup>68</sup> To attempt to treat of the various cooperation or separate-state-action organizations reported in the press would be tedious and is unnecessary, but it is interesting to notice that a "secession" correspondent from St. James parish reported that the Acadian population of that section were easily held to unionism by the example of a few "unionists" and the sentiments of "the old *Bee*."<sup>69</sup> The *Propagateur Catholique*, an influential journal of New Orleans, was "on the fence" on this question.<sup>70</sup>

By this time the *Bulletin* had come out openly against cooperation; the *Crescent* had pronounced an "obituary" upon the same; and the *Picayune* was derided for now favoring a con-

<sup>65</sup>*Ibid.*, December 22, 1860.

<sup>66</sup>*Daily Picayune*, December 22, 1860.

<sup>67</sup>*Weekly Delta*, December 22, 1860.

<sup>68</sup>*Weekly Delta*, December 22, 1860.

<sup>69</sup>*Ibid.*, December 29, 1860.

<sup>70</sup>*Ibid.*



vention of *all* the states.<sup>71</sup> Yet the conservatives were tireless in proclaiming that "there is no submissionist party" nor "material out of which one could be erected . . .".<sup>72</sup>

From December 26 to the eve of the election the canvass assumed the appearance of a regular political campaign. Public meetings, published addresses and letters, councils, and local associations were the means adopted to secure the election of favored candidates.<sup>73</sup> Among the outstanding speakers at one meeting held by the cooperationists at Odd Fellows' Hall, were Mr. Durant and Pierre Soulé. According to the *Delta*, a "bewildering contrariety of ideas" was the result of an evident failure on the part of the speakers to compare notes beforehand. Durant's speech was pro-union and advocated constitutional remedies for the ills of the times, but Soulé's regarded separation as inevitable "and declared his purpose not to be in the rear of it." Thus, there were two elements of the group—"the constitutionalists," represented by Durant, and "the revolutionary, represented by our Louisiana Mirabeau."<sup>74</sup>

The *Delta* professed to see in Durant's speech evidence of a desire to defeat disunion by winning adherents to the cause of "cooperative secession," which would result in preservation of the Union at the cost of submission to Lincoln's administration.

More outspoken for cooperation than Barker, Durant, or Randell Hunt, was Pierre Soulé. He declared himself no submissionist, but for sending "discreet and experienced commissioners" to act in concert with the other States. But Soulé's defeat in the recent struggles for leadership in the State had lessened his influence, and his influence was hardly increased by the following part of "a card" printed in the city papers:

It were too late now, and utterly unprofitable to dwell on the immediate causes which have brought about the present crisis, though it may not be out of place to remark that, if this National Government of ours, which has stood so many storms and perils, and which in its majestic

<sup>71</sup>*Weekly Delta*, December 29, 1860.

<sup>72</sup>*Daily Picayune*, December 27, 1860.

<sup>73</sup>"A Jefferson City Southern Rights Association" was formed at the city hall of Jefferson City on the 22nd. The constitution was modeled after that of the Louisiana Rights Association. The attendance was large and made up of the most influential citizens of the parish." *Weekly Delta*, December 29, 1860.

<sup>74</sup>*Daily Picayune*, December 27, 1860.

workings, was vindicating so triumphantly the genius and wisdom of the sages who erected it, if this Government is to be overthrown, and the South to organize itself into a distinct and separate Confederacy, it were hardly an act of discretion on our part to commit the trust of erecting the latter to the very men who, with all the Federal power at their bidding, with the purse and the sword in their hands to sustain themselves, have, in less than four years, not only destroyed the most powerful party that was ever organized in any Government, but have subverted that noble structure, of which John C. Calhoun had said that "it exceeded in sublimity any work that ever emanated from the hands of men."

These are, however, the men who now urge the expediency of separate action, on the part of the States, and who advocate openly the policy of precipitating Louisiana of herself, and without seeking concert with other States, into the vortex of revolution . . . <sup>75</sup>

But Soulé was proud of the fact that he was "not a submissionist, . . . not a man of compromise"<sup>76</sup> and became the spokesman of what really constituted the more aggressive "Cooperationists" as compared with the "Submissionists."<sup>77</sup>

One "Cooperationist" published in the *Picayune* of December 30, a communication to the "voters for Delegates," in which he asked pointed questions concerning the benefits of disunion. He asked the separate State secessionists to tell what would be done as to the tariff on sugar, the State's manufactures, the re-opening of the Slave trade and the dumping of negroes in Louisiana, the Mississippi trade and the form of government.

During this time, the *Gazette* and the *Comet* were consistently denouncing the secessionists, and warning against the efforts at State secession by pointing out the result of the attempt of South Carolina in 1832, which would fail again.<sup>78</sup> This paper grieved for the departed conservatism of the New Orleans *Commercial Bulletin*,<sup>79</sup> and denounced J. D. B. Debow for having accomplished the beginning of secession by South Carolina's act, after having labored for a dissolution of the Union for twenty

<sup>75</sup>*Daily Picayune*, December 23, 1860.

<sup>76</sup>*Ibid.*, December 27, 1860.

<sup>77</sup>*Weekly Delta*, January 5, 1861.

<sup>78</sup>*Gazette and Comet*, December 29, 1860.

<sup>79</sup>*Ibid.*, December 22, 1860.

years.<sup>80</sup> But Southern Rights demonstrations were hearing artists sing "The Southern Marsellaise" before the year ended.<sup>81</sup>

Printed speeches and letters from the lips and pens of some of the outstanding citizens, shared in shaping public opinion to uncertain extent. Judge Charles Gayarré,<sup>82</sup> at a well-attended mass meeting in Odd Fellows' Hall, New Orleans, December 24, declared that "concert before action was impossible between the Thirteen Colonies. Concert before action is impossible between the States. Events are crowding upon each other, and the 4th of March is rushing upon us like a fiery steed" . . . C. M. Conrad wrote C. W. Allen, A. D. Kelly, and others, in answer to an inquiry concerning his position on the situation, that he believed that as matters stood, separate state action was the best and the only practical method of procedure.<sup>83</sup> In New Orleans Conrad gave as reasons for separate action: The delay in unity; doubt of a general convention agreeing upon a plan satisfactory to all; that separate state approval would have to be had for the body's acts, anyhow; and the time for concerted action had passed.

On December 28, at a "large and enthusiastic meeting of the friends of Southern Rights and Separate Secession," J. D. B. DeBow, C. M. Conrad, Chas. Gayarré, and Alexander Walker spoke at length on the issues of the day. Candidates for the Southern Convention were approved by the convention composed of planters, merchants, "the most distinguished residents"—"the true Southern men of New Orleans" as their literary spokesmen, the *Delta*, termed them. Decorations, bands, the Pelican Flag, and a bust of John C. Calhoun gave coloring to the assembly.<sup>84</sup>

<sup>80</sup>*Gazette and Comet*, December 29, 1860.

<sup>81</sup>"The Southern Marsellaise," was first sung by Miss Sallie Holman, native of Virginia, and one of a troupe giving shows at the Odd Fellows' Hall, on December 24, 1860, at a Ratification meeting.

Sons of the South, awake to glory!  
Hark! hark! what myriads bid you rise.  
Your children, wives and grandsires hoary,  
Behold their tears and hear their cries.  
Shall reckless fanatics new mischief breeding,  
With mongrel hosts, a thieving band  
Affright and desolate the land,  
While peace—equality—lie bleeding?  
To arms! to arms! ye brave!  
Th' avenging sword unsheath!  
March on! march on! all hearts resolved!  
To victory or death . . .

*Weekly Delta*, December 29, 1860.

<sup>82</sup>*Weekly Delta*, December 29, 1860.

<sup>83</sup>*Weekly Delta*, December 29, 1860.

<sup>84</sup>*Weekly Delta*, December 29, 1860.



With the serious observation that the Crittenden proposition had been rejected by the committee of Thirteen, and that the action for the state's welfare was left to the people, the *Picayune* hailed with heartfelt satisfaction manifestations from over the state, of both a public and private character, that the approaching convention would see friends of Cooperation strongly represented. In the same breath the *Picayune* comforted itself with the thought that if all efforts failed and Louisiana severed her connection with the Union that the consolation of having done her duty, as she saw it, would be hers.<sup>85</sup> But in the next instant . . . "we still hope for a brighter day." Endeavoring to shake off its feeling of discouragement the *Picayune* resumed its inquiries to the secessionists as to whether they would go out of the Union permanently or in order to secure further guarantees of rights. The question stated another way was: "After secession—what then?"<sup>86</sup>

Still, the *Picayune* warned the North that cooperation, in the vocabulary of the South, nowhere meant submission, and that when a plan was adopted by the State Convention, disputants would all be together, "loyal defenders of our own soil and kindred."<sup>87</sup>

Meanwhile, the *Delta* expressed much satisfaction in the fact that the "submissionists and cooperationists" had now had the benefit of a full hearing in the form of consecutive addresses in one evening from Messrs. Hunt, Marr, and Jones. Hunt contended that the source of all the South's troubles lay in the repeal of the Missouri Compromise line, which only the South was to blame for.<sup>88</sup> "Mr. Hunt forgets," commented the *Delta*, "that the chief leader in this movement was Mr. Douglas." . . . Evidently Mr. Hunt belonged to Mr. Durant's "submission school, rather than Mr. Soulé's revolutionary class of cooperationists," while the two others "were even further advanced toward submission than Mr. Hunt," concluded the critic.

As the election approached, the *Bee* warned the separate state-actionists that the cooperationists were "calculating on getting all the Douglas and a majority of the Bell votes in New Orleans." The *Delta* thought they'd fail to get a third of the Bell votes and less than half the Douglas votes. Men of Northern interests

<sup>85</sup>*Daily Picayune*, January 2, 1861.

<sup>86</sup>*Daily Picayune*, January 2, 1861.

<sup>87</sup>*Ibid.*, January 5, 1861.

<sup>88</sup>*Weekly Delta*, January 5, 1861.

and sympathies were blamed for attempts to secure control of the vote of the naturalized citizens to no avail, as they were "largely for Southern Rights", according to the *Delta*.<sup>89</sup>

This difference of opinion as to the number of cooperation votes was not restricted to the papers just mentioned. The *Picayune* naturally thought, or professed to think, that they were strong in number.<sup>90</sup> The *Bulletin* regretted that it was separated from many it esteemed, and yet found itself associated with many of its old Whig friends, which showed that party feeling was not binding in this new issue. "We love the Union as much as any man living, and we are secessionists because we honestly believe that it is the only possible way in which we can enjoy the rights and privileges which the Union, as originally designed, was intended to bestow upon all the States, according to the just measure of perfect equality."<sup>91</sup>

The election, on January 7, resulted in the triumph of the state-action or immediate secession party. In New Orleans, the five senatorial delegates and fifteen out of twenty representative delegates were victorious, the Cooperationists carrying the five remaining and one from Algiers. The total vote was: Secession 4,358, Cooperation 3,978, giving a majority of 380 for secession out of a total of 8,336 votes."<sup>92</sup>

<sup>89</sup>*Weekly Delta*, January 4, 5, 1861.

<sup>90</sup>*Ibid.*, January 12, 1861.

<sup>91</sup>*Weekly Delta*, January 12, 1861.

<sup>92</sup>*Daily Picayune*, January 8, 1861.

LOUISIANA ELECTION FOR DELEGATES TO CONVENTION OF  
JANUARY 7, 1861.(Taken from *Weekly Delta*, January 18, 1861.)

PARISH	Secession	Cooperation	Doubt
SENATORIAL			
Orleans . . . . .	5		
E. Baton Rouge, W. Baton Rouge, E. Feliciana . . . . .		2	
Iberville . . . . .	1		
Rapides . . . . .	1		
Jackson and Union . . . . .	1		
Pointe Coupee, W. Feliciana, Avoyelles . . . . .	2		
Catahoula, Winn and Caldwell . . . . .		1	
Natchitoches, DeSoto, Caddo, Sabine . . . . .	2	1	
Ouachita, Morehouse . . . . .		2	
St. Landry, Claiborne, Lafayette . . . . .	2		
St. Mary . . . . .	1		
St. Martin, Vermillion . . . . .	1		
St. James, St. John . . . . .		1	
St. Helena, Washington, Livingston, St. Tammany . . . . .	1		
Franklin, Carroll . . . . .	1		
Madison, Tensas, Concordia . . . . .	2		
Plaquemines, St. Bernard, Jefferson, Orleans . . . . .		2	
St. Charles, Lafourche . . . . .		1	
Bossier, Bienville . . . . .	1		1
Terrebonne, Ascension, Assumption, Claiborne . . . . .		1	
	21	10	1
REPRESENTATIVE			
Avoyelles . . . . .	2		
Ascension . . . . .		2	
Assumption . . . . .		2	
Bossier . . . . .			2
Bienville . . . . .			1
Catahoula . . . . .		1	
Carroll . . . . .	2		
Caddo . . . . .	2		
Calcasieu . . . . .	1		
Concordia . . . . .	2		
Claiborne . . . . .			2
Caldwell . . . . .		1	
DeSoto . . . . .	2		
East Baton Rouge . . . . .		2	
East Feliciana . . . . .	1	1	
Franklin . . . . .	1		
Iberville . . . . .	2		
Jackson . . . . .	2		
Jefferson . . . . .		2	
Lafayette . . . . .	1		
Lafourche . . . . .		2	
Livingston . . . . .	1		
Morehouse . . . . .	1		
Madison . . . . .	2		
Natchitoches . . . . .		2	
Ouachita . . . . .		1	
Plaquemines . . . . .	2		
Pointe Coupee . . . . .	2		
Rapides . . . . .	3		
St. Bernard . . . . .	1		
Sabine . . . . .		2	
St. Charles . . . . .	1		
St. Helena . . . . .		1	
St. James . . . . .		2	



PARISH	Secession	Cooperation	Doubt
St. John . . . . .		1	
St. Landry . . . . .	2		
St. Martin . . . . .	2		
St. Mary . . . . .	2		
St. Tammany . . . . .	2		
Terrebonne . . . . .		2	
Tensas . . . . .	2		
Union . . . . .	1		
Vermillion . . . . .	1		
West Feliciana . . . . .	2		
West Baton Rouge . . . . .		1	
Winn . . . . .	1		
Washington . . . . .	1		
Orleans . . . . .	15		
Representatives . . . . .	59	34	5
Senatorial . . . . .	21	10	1
Total . . . . .	80	44	6

On the day following the election, the Union-loving *Picayune* sounded a warning to the North concerning the situation in New Orleans, in a manner curiously near hysterical, but with an undercurrent of pathos.<sup>83</sup>

The *Picayune* prophesied that the vote in the city prefigured the result in the state, and admitted that the chief hope of the Cooperationists had been in carrying the city. Now, Louisiana would be among the seceding states just as soon as the Convention met, which was not surprising since developments for some weeks had indicated that this would only be a question of time. Thus the *Picayune*<sup>84</sup> had accepted secession as the fixed determination of the cotton states, and now launched a brief argument against the madness of coercion.

<sup>83</sup>"You men of the North! The news from this city which meets your eyes today in the telegraphical columns of your newspapers, we know, bursts upon you with astounding force. It is Southern thunder which startles you with its fearful sound. It is appalling evidence from an unexpected quarter, of the terrific storm you have raised in the South, and which is sweeping with rapidly accumulating force across the wide expanse of our fair territory, and assuming such immense volume that ere long it will be uncontrollable—that no earthly power can breast it—. . . It is the voice of New Orleans that comes upon you with such a volume of ominous sound—the voice of the city which, up to this time, has been undeviatingly true to the Union . . . .

"Have you been blind to all the signs of the times? . . . Even New Orleans, which has clung to the Union, now tells you that, . . . she turns at bay because she is not prepared to ignobly surrender all that is dear to her to glut your rapacity, and prepares to act well her part in the impending conflict . . . You have inaugurated the irrepressible conflict . . .

"Thousands of our people, who have hitherto carried the flag and kept step to the music of the Union, have already ranged under another banner . . . Others, in whom all hope of your being aroused to a sense of justice has departed, are daily swelling the ranks of the secessionists, . . . and the Union will be rent asunder . . . How do you like the prospect of such an end to the precious heritage bequeathed to us by our fathers? If such should be the melancholy close of our once bright and glorious career, remember that on the page of history the record will show that you alone are responsible for the terrible catastrophe." (Ed. "Let the North Take Heed") Jan. 8, 1861.

<sup>84</sup>*Daily Picayune*, January 9, 1861.

Other papers of the city were perhaps more loquacious in commenting on the results of the election in New Orleans. The *Crescent* reported the five Secession Senators successful by more than four hundred votes. Such results from a city hitherto the most conservative in the South, "a city whose prosperity, perhaps whose existence, is intimately associated with the results of the present movement, can not pass unheeded by either friends or enemies."<sup>95</sup> Many of those who voted the Cooperation ticket were undoubtedly seduced into an approval "of the impractical schemes of Cooperation."

The *Bee*<sup>96</sup> of January 12, 1861, believed that the advocates of separate State action would have a majority in the Convention. But this mattered little practically, because Louisiana, although the last of the cotton states to call a convention of the people, would be compelled by public opinion and the bonds of union to share the fortunes and fate of the extreme South. The *Bee* further stated that this was one of the reasons why it was unable to sympathize with the views of those who were in favor of a Southern Congress.

The *Crescent* was already portraying in glowing terms the future prospects of the South in a new Confederacy, and predicted that Arizona and the territory west of her, on the same line of latitude, would become part of the new organization.<sup>97</sup>

Conservatism in Louisiana was too strong to abate so quickly, and its press again took up the effort to instill morale into its depleted ranks, expressing belief that the North would probably divide among themselves should the president call for men and money to inaugurate coercion. While the results of the election in the city and throughout the state were evidence of the drift of public opinion, it was not to be accepted as a guide to action by a deliberate body. The delegates should feel free to form their judgments and determine their actions in the light of things existing at the time they convened. Furthermore, Louisiana should not necessarily follow South Carolina, although she was bound with a "band of Union," to her sister states, because there were nine other slaveholding states in this band, and the future was looked forward to with hope.<sup>98</sup>

The *Picayune* discussed freely the question, which was being stressed in some of the border states, of preventing the inaugura-

<sup>95</sup>*Weekly Delta*, January 12, 1861.

<sup>96</sup>*Ibid.*, quoting the *Bee*.

<sup>97</sup>*Weekly Delta*, quoting the *Crescent*.

<sup>98</sup>*Daily Picayune*, January 10, 11, 1861.

tion of Lincoln. In its opinion, death would not create a vacancy, and the only peaceful way to prevent his induction into office was by preventing "the legal completions of the forms of the election." But reflection<sup>99</sup> would show that Mr. Lincoln's title to the office would neither be strengthened nor weakened by such movements.<sup>100</sup>

In the meantime, military expeditions had seized the Federal arsenal at Baton Rouge and Forts Pike and Jackson. The military board struck out of its regulations the requirement that volunteers must serve six months before procuring arms and equipment; and all military organizations were ordered held in readiness to execute the Governor's commands in defense of the state.<sup>101</sup>

A warlike spirit pervaded New Orleans, and yet the days following the momentous election evidenced fear of impending evil. Merchants seemed to accept their reduced business philosophically; real estate was little lower, if any; and negroes were selling at advanced prices. Social life, also, was little changed but there were many sufferers among the working classes.<sup>102</sup> The Louisiana State Bank placed \$100,000 at the disposal of the Governor, as a loan to the State, without interest. Men who knew only how to use the yard stick began to study bayonet exercises, and the Military Board in New Orleans had more volunteers for service than it could equip.<sup>103</sup>

Official election returns on Convention delegates for the state now appeared. Over the entire state almost two secession delegates had been returned to one cooperationist. The tabulated returns listed, Claiborne, (1 Senator and 2 Representatives) Bossier, (two representatives), and Bienville (one Representative), as doubtful. Final reports on these parishes gave Bossier and Bienville for secession and Claiborne for cooperation. The totals gave Senatorial delegates: Secession 21—Cooperation 11; Representatives, Secession 62—Cooperation 36.<sup>104</sup>

That there may have been a grain of truth in the forecast of the *Bee* of January 3, regarding the distribution of votes, is to

<sup>99</sup>*Ibid.*, January 13, 1861.

<sup>100</sup>The younger men were eager for "action." Political clubs, such as the Breckenridge and Lane Club, became military regiments. The State Militia, Crescent Rifles, the Washington Artillery, Orleans Cadets, the Louisiana Guards, the Louisiana Grays, etc., were assembled and sent to Baton Rouge. Other regiments, including artillery, were sent to Fort St. Philip and Fort Jackson. The Federal Troops offered no resistance in any case. Phelps, *Louisiana*, 305-306.

<sup>101</sup>*Daily Picayune*, January 10, 1861.

<sup>102</sup>*The Constitutional*, January 9, 1861.

<sup>103</sup>*The Constitutional*, January 14, 20, 1861.

<sup>104</sup>See *Weekly Delta*, January 19, 1861, for tabulated returns.



be seen by a cursory analysis of the results of the election, which present some fairly interesting facts. Of 48 parishes 19 elected Cooperation Representatives, while East Feliciana and St. Landry divided their votes equally on secession and cooperation delegates. The cooperationists carried six of nineteen Senatorial Districts and divided one—getting one of the three delegates, and one had not reported by the date of publication of the results. Of the 19 parishes that elected cooperationist Representatives, 11 had gone for Bell and Douglas and four had been very close in 1860.

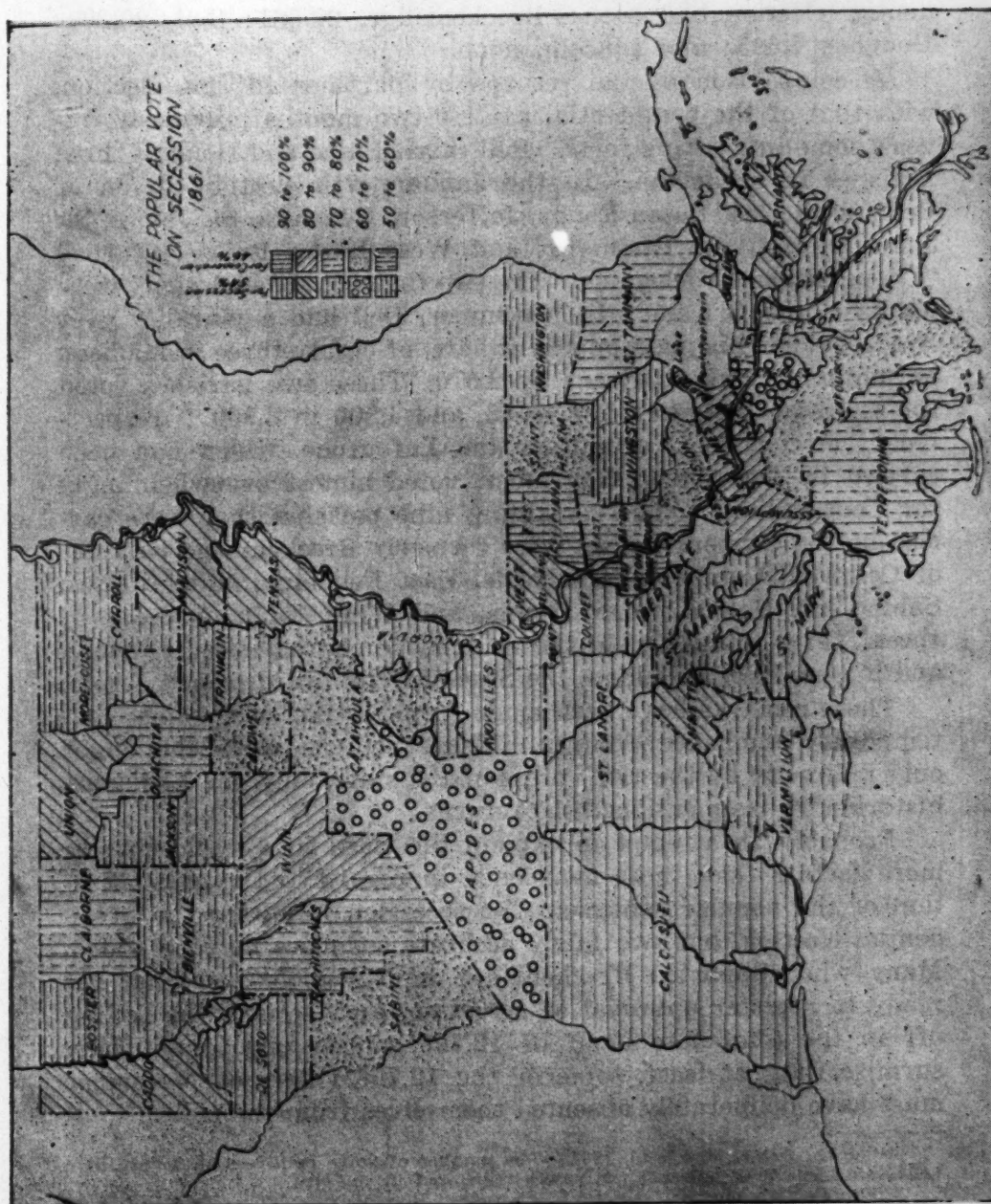
In the seven "Cooperation" Senatorial Districts, three had gone for Bell and two others had split evenly by parishes for Douglas and Breckenridge in 1860. But of these two districts, one elected 2 Secession to 1 Cooperation Senatorial Delegate, while the other had only one delegate—Cooperation—and the representatives were split—1 and 2.<sup>108</sup>

TABLE SHOWING HOW "COOPERATION" PARISHES VOTED IN THE PRESIDENTIAL ELECTION OF 1860.

PARISH	Breckenridge	Bell	Douglas
East Baton Rouge.....	490	569	136
West Baton Rouge.....	147	218	27
East Feliciana . . . . .	377	277	131
Catahoula . . . . .	676	439	20
Winn . . . . .	354	257	241
Caldwell . . . . .	325	136	51
Natchitoches . . . . .	754	434	106
Claiborne . . . . .	898	726	166
Sabine . . . . .	420	227	45
St. James . . . . .	160	292	108
St. John . . . . .	129	176	87
Jefferson . . . . .	198	984	406
Lafourche . . . . .	214	324	509
Ouachita . . . . .	312	340	148
St. Helena . . . . .	331	292	18
St. Tammany . . . . .	164	243	132
Terrebonne . . . . .	441	440	84
Ascension . . . . .	144	279	473
Assumption . . . . .	311	233	356

Thus the determination of Louisiana to secede from the Federal Union was declared by the result of the election to the state convention. The "Secessionists" had elected eighty Representative and Senatorial delegates to the "Cooperationists" forty-four, and six still in doubt on January 17, the date of publication of the official returns in *The Weekly Delta*. Only nineteen of forty-eight parishes had gone for cooperation. Nevertheless, the size of the popular vote of the cooperationists, 17,296 to 20,448, or a

<sup>108</sup>*Daily Picayune*, January 7-20, 1861.



defeat of only 2,152, indicated that the voice of the people had not been so strong for secession. In November, the vote at the presidential election had been: Breckenridge, 22,681; Bell, 20,204; Douglas, 7,625; and Lincoln, none.

A comparison of the returns by parishes in this election, with that of the presidential contest two months previously, reveals some interesting facts. Bell carried nine and Douglas three parishes in Louisiana. In the January 7th election, seven of Bell's nine, East Baton Rouge, Jefferson, Ouachita, St. James, St. John Baptist, St. Tammany, and West Baton Rouge returned "Cooperationist" delegates. The two that voted "secession" were Madison and Orleans. In November, Bell had a plurality over Breckenridge, his main opponent here, of eighty-three in Madison parish, and carried Orleans by 2,570. These two parishes voted for secession delegates, 288 to 58, and 4,300 to 3,900,<sup>106</sup> respectively. Ascension, Assumption and Lafourche, which had been carried by Douglas in November, voted almost overwhelmingly for Cooperation.<sup>107</sup> The remaining nine parishes that were carried by the Cooperationists were formerly Breckenridge parishes of Caldwell, Catahoula, Claiborne, East Feliciana, Natchitoches, Sabine, St. Helena, Terre Bonne, and Winn.<sup>108</sup> In only one of these, Terre Bonne, could the returns be characterized as close, and in one, East Feliciana, the Secessionists failed to poll a vote.

These remarks have been made from a study of the only contemporary published returns. These returns were challenged only indirectly by the rival press of the state, only one Louisiana historian<sup>109</sup> has mentioned the returns.

Probably an attempt to explain the close vote would involve more factors than those mentioned in regard to the crystallization of the popular sentiment for secession following the presidential election, but two fairly accurate surmises may be added. Many who supported Breckenridge in November were not yet ready to register approval of secession, and, second, the falling off in the total vote itself of 12,766, causes one to naturally surmise that, at least, some of the 12,766 voters of November must have deliberately absented themselves from the polls.<sup>110</sup>

<sup>106</sup>*Weekly Delta*, March 30, 1861.—The number of votes polled—a little less than 8,000—was less than one-half the voters registered in the city.

<sup>107</sup>For election of 1860, see *Daily Picayune*, December 5, 1860. For election of delegates, see *Weekly Delta*, March 30, 1860.

<sup>108</sup>Probably these small farmer parishes, having few slaves, were less disposed to go out of the Union to protect slavery.

<sup>109</sup>Fortier, *History of Louisiana*, IV, 3-4.

<sup>110</sup>Table showing, by parishes: First, the popular vote in Presidential Election of 1860; second, popular vote on delegates to State Conventions; third, residence of delegates voting against the Ordinance of Secession.



Parishes	NOVEMBER			JANUARY 7TH		JANUARY 26TH Against Ordinance
	Breckenridge	Bell	Douglas	Secession	Cooperation	
Ascension	144	279	356	258	422	*
Assumption	311	233	473	83	597	*
Avoyelles	750	297	7	737		
Bienville	682	293	134	553	213	
Bossier	489	253	55	408	374	
Carroll	530	398	58	530	181	
Caldwell	325	136	51	130	248	*
Catahoula	676	439	20	335	595	*
Claiborne	898	726	166	658	896	
Concordia	175	152	5	198	56	
Caddo	648	545	37	751	123	
Calcasieu	396	24		242	7	
DeSoto	634	364	2	680	51	
East Baton Rouge	490	569	136	227	550	
East Feliciana	377	277	131		100	
Franklin	342	240	40	273	206	
Iberville	535	229	101	390	329	
Jackson	527	336	109	415	345	
Jefferson	198	984	406	207	815	*
Lafayette	468	71	1	419	60	
Lafourche	214	324	509	312	542	
Livingston	425	249	117	197	140	
Madison	172	255	92	288	58	
Morehouse	381	347	47	376	283	
Natchitoches	754	534	106	547	625	
Orleans	2,645	5,215	2,998	4,300	3,900	*
Ouachita	312	340	148	316	420	*
Plaquemines	267	54	127	226	221	
Pointe Coupee	626	193	71	670	1	
Rapides	1,036	620	98	745	353	
Sabine	420	227	45	149	334	
St. Bernard	186	56	39	169	42	*
St. Charles	79	68	16	78	43	
St. Helena	331	292	18	192	288	
St. James	160	202	108	73	509	*
St. John Baptist	129	176	87	66	289	
St. Landry	961	884	21	916	826	
St. Martin	572	567	49	708	184	
St. Mary	462	392	88	448	423	
St. Tammany	164	243	132	193	221	
Tensas	254	134	3	248	33	*
Terrebonne	441	440	84	427	478	
Union	726	552	22	416	478	
Vermillion	211	142	1	247	65	
Washington	387	112	5	276	120	
West Baton Rouge	147	218	27		120	
West Feliciana	272	188	33	233	32	
Winn	354	257	241	88	507	*
Totals	22,681	20,204	7,625	20,448	17,296	11

Although the election had been hotly contested,<sup>111</sup> the voting was so orderly that the Cooperationist and the Secessionist papers of New Orleans gave especial emphasis to this fact in commenting on the election the day after. For some weeks nothing was heard regarding the controversy, and the casual reader of the press of the city would have probably concluded that the 7th of January had not only registered the victory of the Secessionists, but had also witnessed the practical termination of public discussion of its returns and consequent results. But there were some among the Cooperations who continued dissatisfied with their defeat, and who now were enabled to irritate the victors through the columns of their organ, the *Picayune*, by demanding that the returns of the election be published.

Press comments on the returns are consistent. Before the "doubtful" parishes were heard from, the *Delta* stated that the secession majority could not fall below thirty and that it might reach forty-two. "Either figure will do." It was pointed out that Alabama had seceded with a smaller majority only a few days after her Convention assembled, and probably Louisiana would not be less prompt.<sup>111</sup>

The Baton Rouge *Advocate* assured its readers that "the separate state secessionists have gained a splendid triumph in Louisiana". On the other hand, the correspondent of the *Picayune* in the Parish of Plaquemines, on January 15, acknowledged defeat, but "the friends of cooperation in this section are well satisfied with the stand they made in behalf of the Union".<sup>112</sup>

As a refutation of the fallacy that large planters usually opposed secession, the *Delta* called attention to the results of the election in the parishes of Tensas, Concordia, and Madison. These three parishes were represented by two delegates to the Convention. In Tensas, which produced about 70,000 bales of cotton, and where a large majority of the voters were planters, the Cooperationist candidate, John Routh, was beaten eight to one. Routh was one of the largest planters, and his opponent and opponent's colleague, together usually marketed about ten thousand bales of cotton. There were no cooperation candidates in Madison.<sup>113</sup> In Concordia the vote was: for Senatorial delegate—Secession 210, Cooperation 58; for Representative: 198 to 56, and 193 to 52.<sup>114</sup> Similar statements of the sanction and sup-

<sup>111</sup>*Weekly Delta*, January 19, 1861.

<sup>112</sup>Quoted in *Daily Picayune*, January 18, 1861.

<sup>113</sup>*Weekly Delta*, January 11, 1861.

<sup>114</sup>*Daily Picayune*, January 11, 1861.

port "alike by large and small slaveholders and non-slaveholders" are to be found in the columns of the *Delta*, of January 19, 1861. It was also declared that "immediate secession delegates" to the Louisiana Convention owned a larger number of slaves than an equal number of slave owners elsewhere in the United States.

The *Picayune* considered secession certain and believed that Louisiana should occupy a leading position in any confederation of which she became a part. Her larger interests at stake, such as the control of the Mississippi, meant that her citizens should be prepared to make great sacrifices of self interest.<sup>115</sup>

Now, how may one account for the heavy Cooperationist vote in Louisiana when sister states were hastily seceding from the Union, and a majority of her citizens were for separate action, and her two Senators had come to believe secession to be inevitable? There are three or four interesting facts in the election returns which may have influenced the vote of the suffragans: First, the votes for Bell and Douglas were evidently cast by the old Whigs, planters and commercial class, for the most part. They had always been conservative. The vote for Breckenridge was Democratic. All this was normal enough, and in accordance with political habit. Second, in the election of January 7, 1861, a considerable part of the old conservative Whig vote swung over to secession. On the other hand, a considerable number of Breckenridge parishes went for Cooperation. How is that to be accounted for? It is probable that many former conservative Whig planters were frightened by the refusal of Lincoln and the other Republican leaders to agree to any compromise whatever, and they swung over to secession in something like a panic, or in anger. This had happened in Georgia and Alabama. The New Orleans conservatives may have been influenced by like considerations, aided by heavy campaigning of the secessionists. As for the Breckenridge parishes that went Cooperationist, they were largely small farmer regions that had few slaves and were less disposed to go out of the Union to protect slavery. Of course, influential local leaders accounted for many votes, one way or the other. Third, it is evident that much of the Cooperationist vote in Louisiana was still the old conservative vote. But they lost enough between November 6, and January 7, to throw the balance against them. Fourth, the non-voters of January 7, need explanation. Probably many could not decide how to vote

<sup>115</sup>*Ibid.*, January 19, 1861.



and stayed away. Most of them may have been Conservative. The aggressive element is always the most likely to vote full strength.

Although the time for the opening of the Convention was almost at hand, the Conservatives, speaking through their party press, indicated that they still clung to some hopes of adjustment, in some way, at Washington. The withdrawal of Southern delegations from Congress, upon the secession of their respective states, was condemned as a "very questionable policy at this juncture." These departures would only give the Black Republicans a majority in both Houses and laws might be passed, which, if enforced, would result in Civil War.<sup>116</sup>

Again, it would be wise to prevent the North from blundering into war by coercion. News of the defeat of Crittenden's resolutions brought earnest expressions of disappointment and remarks that the Senate was "not what it once was". At the same time, the defeat of the resolutions was accounted for by the *Picayune*<sup>117</sup> on the grounds that many of the members of the new Congress were elected on agitation issues, and, hence, were only acting naturally. On the day before the Convention assembled, this journal again stated that since a majority of the people of Louisiana had decided that there was no hope for redress within the Union, that all loyal citizens would bow to the decree, but that many did not admit secession necessary or wise. "We believe, with Roger A. Pryor, of Virginia, that the only safety of the South is in the union of the slaveholding states, and that is not secured by separate state secession."<sup>118</sup>

The *Picayune's* articles in denunciation of Northern aggression, and in vindication of Southern rights, are very good evidences of what might have been done in the Southern cause at the time when the question of submission was open for discussion. "Our contemporary exhibits considerable talent for following in the rear of great movements, and for erecting trophies on the battle fields which have been the scene of its own defeats."<sup>119</sup>

The State Legislature convened in regular session at Baton Rouge, January 23. The concluding sentences of the Governor's message to that body will serve to indicate the uppermost thought

<sup>116</sup>*The Picayune*, January 18, 1861.

<sup>117</sup>*The Picayune*, January 19, 1861.

<sup>118</sup>*Ibid.*, January 24, 1861.

<sup>119</sup>*Weekly Delta*, January 26, 1861.

in the chief executive's mind, and at the same time paved the way for the Convention's prompt work a bit later.

... It is not within the province of the Legislature or the Executive to forestall the action of the State Convention, by advising any particular form for the assertion of the rights of the State in reclaiming her independence. ... But we may be permitted to invoke the merciful care of Divine Providence, so to guide them in the path which leads to safety, to honor and to prosperity, that they may be sustained by the hearts and hands of a confiding people in building up a separate nationality or finding an honorable place in a new and more perfect Union of equal confederate states.

On the same date, January 23, the State Convention assembled at the capital with 127 members present, and it was a foregone conclusion that Louisiana would soon be with the seceded states. But when Louisiana's forces for cooperation at first had seemed so strong, and she had been regarded in the North as the "loyal-to-Union" state of the extreme South, how is one to explain the gradual and then, ultimate crystallization of her people for secession? Senator Benjamin gave one part of the response to this question in the course of a speech to the Senate on December 31, 1860. He established the point that it wasn't so much what the Northern Republicans and Abolitionists had done or might do that was galling—but "the things they said". The South knew the North was thinking things, if it was not saying them, and, too, that the opinion of a larger part of the world was against her. The South could not bear to be regarded as on the defensive in these things.<sup>120</sup> During this entire period the press of Louisiana was continuously replying to the unjust and unsympathetic press of the North. Also, glowing prospects of a new confederacy to acquire possibly new fields of economic gain, perhaps had some weight when it was remembered that the railroads had changed the tide of trade from West to East, which had formerly come down to New Orleans. The gain had been made much of by the Northern press. By no means least was the example of sister States that had already acted and which, with but one exception, the local press wished to emulate.

The tone of the Northern press and letters from old Whigs visiting in the North, had laid heavy emphasis on the results of the election. There was, too, the tremendous energy of the aggres-

<sup>120</sup>Butler, *Judah P. Benjamin*, 207.

sive younger generation, which clamored for spirited action to Northern misunderstanding. But all had lost hopes of simple justice in the Union. There had been a gradual change in the minds of many slaveholders. Perhaps they had been wrong in clinging to the Union so long when anti-slavery agitation had for several years become increasingly provocative.<sup>121</sup> If their slaves were lost, impoverishment by lack of labor would be their lot. Their social institutions were rooted in the institution of slavery. Finally, they had to acknowledge the inevitableness of the contest and that they were a weak minority. It has been suggested that possibly these "older heads" recalled their old championship of state rights during Jackson's days and now reflected that the secession leaders were championing the same doctrines.

On January 24, the *Picayune* expected to hear of the adoption of an act of secession by the Convention, which had assembled on the 23rd, but hoped that the "many important considerations" which involved the secession of Louisiana would be thoroughly considered.<sup>122</sup>

In reply to the threats of coercion and blockade in the press of the North, the *Picayune* characterized them as absurd and fanatical, and trusted that the country would soon arrive at this conclusion so that the two confederacies would certainly the sooner begin their separate careers.<sup>123</sup> Or, if experience should prove that the Union would be more desirable, then the two would the more easily get together. "The great Border States," stated the *Picayune*, "can stay the march of civil war till reason asserts her right to shape the destinies of empire, . . . and achieve the greatest good for mankind."<sup>124</sup> But, if coercion should be attempted, because of "the brutal instincts of fanaticism", then the South would be ready for "war if need be", but was determined for separation "whether there be war or not".<sup>125</sup> While thus arguing the cause of the South versus coercion, the *Picayune* was giped at by the *Delta* for publishing material from its correspondents that was so contradictory to its editorials. One letter referred to by the *Delta* was from the *Picayune's* New York correspondent and contained the following: "The unfurling of that Pelican flag has not done your State's Sixes any good in this market, as 75 is the best offer that can be found for them."<sup>126</sup>

<sup>121</sup>Cole, *Whig Party in the South*, 342-343.

<sup>122</sup>*Daily Picayune*, January 24, 1861.

<sup>123</sup>*Daily Picayune*, January 24, 1861.

<sup>124</sup>*Ibid.*, January 24, 1861.

<sup>125</sup>*Ibid.*, January 25, 1861.

<sup>126</sup>*Weekly Delta*, February 2, 1861; *Picayune*, January 25, 1861.



On Wednesday, January 23, the Convention met in Baton Rouge with 127 members present. It was called to order by Mr. Effingham Lawrence, who asked John Perkins, Jr., Senatorial delegate from the parishes of Madison, Tensas, and Concordia, to take the chair.<sup>127</sup> After the usual preliminaries of organization had been completed, the Convention proceeded to the election of a President. Alexander Mouton, Isaiah Garrett, and John Perkins, Jr., were nominated, and received 81, 41, and 1, votes, respectively.

Following the customary appointment of a committee to report rules, a resolution was submitted and adopted for the appointment of a committee of fifteen to report "an ordinance providing for the withdrawal of the State of Louisiana from the present Federal Union!" Immediately, three forms of ordinances of secession were introduced and, finally, on motion of Edward Sparrow, all similar propositions were to be referred to the Committee of Fifteen, without reading.<sup>128</sup> The committee on rules recommended the appointment of committees on: Citizenship in Louisiana; Judiciary and Federal Jurisdiction and Property in Louisiana; Commerce; Revenue and Navigation; Postal Affairs; State Constitution and Protection of Private Rights; Military and Naval Affairs; the Formation of a Southern Confederacy; Finance and Contingent Expenses; Federal Relations; Patents, and Enrollments.<sup>129</sup>

On January 24, the Governor sent the Convention a copy of his annual message to the Legislature. The latter part of the message dealt with the Governor's taking over of Federal property in the State. A motion to approve of Governor Moore's course in taking the forts, arsenals, and other public property was passed, 119 yeas to 5 nays. The nays were Meredith, Pierson of Winn, Rozier, Stocker, and Taliaferro. However, the Governor's acts did not go unchallenged. Christian Roselius questioned his authority in seizing the forts and arsenals in Louisiana,<sup>130</sup> but voted for approval after explaining that the Governor's reasons justified his conduct. T. J. Durant, New Orleans, argued the Governor could not call an extra session of the Legis-

<sup>127</sup>*Journal of the State Convention*, January 23, 1861.

<sup>128</sup>*Journal of the Convention*, 5-6.

<sup>129</sup>*Ibid.*, 6.

<sup>130</sup>*Weekly Delta*, February 2, 1861.

lature in order to deal with Lincoln's election.<sup>131</sup> Durant was answered by General Butler, of Iberville, that "necessities make their own laws".<sup>132</sup>

The same day, the 24th, saw the introduction of an ordinance of secession by Perkins, the Chairman of the Committee of Fifteen. There were two substitutes offered; one by Rozier, and the other by Fuqua.<sup>133</sup> In "yeas" and "nays" votes, the first substitute lost by 24 to 106, and the second by 47 to 73.<sup>134</sup>

Delegate Bienvenu, on the 25th, offered the following resolution:

*Resolved*, That whatever be the action of this Convention on the question whether or not this State ought to secede from the Union, it shall have no effect until the same shall have been ratified by the vote of the majority of the people at the ballot box, and, to this effect, an election shall be held at the various election precincts of the State, on the 25th day of February next, under the regulations and laws in force in regard to the election of State officers. Those voting for the ordinance shall indorse on their tickets "Ratification"; and those voting against it the words "No Ratification"; the Governor shall publish a proclamation duly notifying the people of the holding of said election, and ordering the sheriffs of the several parishes of this State to cause an election to be held under the existing laws.

The following day, Fuqua called up this resolution and demanded the "yeas" and "nays", which resulted in its loss, 43 to 84.<sup>135</sup>

Chairman Perkins, of the Committee of Fifteen, then called up his ordinance, which read as follows:

An ORDINANCE to dissolve the union between the State of Louisiana and other States, united with her under the compact entitled "The Constitution of the United States of America".

*We, the people of the State of Louisiana, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, That the ordinance passed by us in Convention on the 22d day of November, in the year 1811, where-*

<sup>131</sup>*Ibid.*

<sup>132</sup>*Ibid.*

<sup>133</sup>These substitutes provided for attempts to amend the Constitution. If rights of the Southern States be not protected by new legislation then cooperation with her sister slave States should be Louisiana's part.

<sup>134</sup>*Journal of the Convention*, 15-16.

<sup>135</sup>*Journal of the Convention*, 17.

by the Constitution of the United States of America and the amendments of the said Constitution were adopted; and all laws and ordinances by which the State of Louisiana became a member of the Federal Union, be and the same are hereby repealed and abrogated; and that the union now subsisting between Louisiana and other states, under the name of "The United States of America" is hereby dissolved.

*We do further declare and ordain, That the State of Louisiana hereby resumes all rights and powers heretofore delegated to the Government of the "United States of America" that her citizens are absolved from all allegiance to said Government; and that she is in full possession and exercise of all those rights of sovereignty which appertain to a free and independent State.*

*We do further declare and ordain, That all rights acquired and vested under the Constitution of the United States, or any act of Congress, or treaty, or under any law of this State, and not incompatible with this ordinance, shall remain in force, and have the same effect as if this ordinance had not been passed.*

The ordinance was adopted by 113 to 17, and, when a short while later, the ordinance was signed, eight of the seventeen affixed their signatures, also.<sup>136</sup>

Ex-Governor Roman stated in an address to the Convention that he felt that the Union might have been preserved had it not been for hasty action on the part of the seceding states, and that at least peaceable secession or a recognition of rights might have been procured. He felt that he would have to vote against the ordinance, but would sustain it after its passage.<sup>137</sup> Delegate Herron, who had favored cooperation, said that he was now in favor of immediate secession.<sup>138</sup> A request for a consultation of the cooperationists before the vote on secession was begun, was granted. When the vote was taken "a number of members explained that, although they were elected as Cooperationists, they felt that no other course but that of immediate secession could be pursued."<sup>139</sup>

<sup>136</sup>The nays were: Bienvenu, Cottman, Gardere, Garrett, Gaudet, Hough, Le Bourgeois, Lewis of Orleans, Melancon, Meredith, Pierson of Winn, Roman, Rosellus, Rozier, Stocker, Talliaferro, and Verrett. These delegates represented the following parishes, respectively: \*, Ascension, Jefferson, Ouachita, St. James, Caldwell, St. James, Orleans, Assumption, Caldwell, Winn, St. James, Orleans, Orleans, Catahoula, Terrebonne. \* (Bienvenu represented St. Bernard, Jefferson, and Orleans [right bank].)—*Journal of Convention*, 18.

<sup>137</sup>*Weekly Delta*, February 3, 1861.

<sup>138</sup>*Ibid.*

<sup>139</sup>*Weekly Delta*, February 3, 1861.



The members who did not sign the ordinance were: Roselius, Rozier, Lewis of Orleans, Stocker, Pierson, Taliaferro, Garrett, Hough and Meredith.<sup>140</sup> Two of these later signed the ordinance in New Orleans, in accordance with the permission of the Convention.

The news of the passage of the ordinance was received with tremendous exhibitions of joy, both locally and practically throughout the State. The following letter from Captain C. L. Kilburn, of the U. S. Army, throws some light on this assertion:

New Orleans, La., January 23, 1861.

Col. S. Cooper,  
Adjutant-General, U. S. Army,  
Washington, D. C.:

I have this day made a requisition on Bat. Lieut. Col. A. C. Myers, A. Q. M., of which I inclose a copy. I also inclose a copy of his reply. In conversation with many persons in this city today, I am astonished to find a most marked and determined change of feeling toward the Government at Washington. Under all circumstances I consider that any purchase of subsistence for and on account of the United States, would run great risk of seizure for the use and benefit of the troops now in arms in this State. I am very respectfully, etc.,

C. L. KILBURN,  
Captain & C. S.<sup>141</sup>

The *Picayune* received the news thus: "The deed has been done. We breathe deeper and freer for it. The Union is dead; . . . to the lone star of the State we transfer the duty, affection and allegiance we owed to the congregation of light which spanned the banner of the old Confederacy."<sup>142</sup> At the same time, prudence was counseled. "Old men for counsel—young men for action. That is the proper assignment of parts in the storm now raging."

Thus, a sense of both relief and anticipation seemed to pervade the State when the decisive step had been taken. Public demonstrations heralded a changed order of affairs; and all regrets were buried beneath a realization of the solemnity of the act just consummated, and hearts were braced to meet the eventful crisis of the times.

<sup>140</sup>*Ibid.*, February 2, 1861.

<sup>141</sup>*Official Records of the War of Rebellion*, Series I, Volume I, 497.

<sup>142</sup>*Daily Picayune*, January 28, 1861.

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## EDITOR'S CHAIR

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*October, 1930*

### GOVERNOR WARMOTH'S BOOK

(War Politics and Reconstruction. Stormy Days in Louisiana. By Henry Clay Warmoth, N. Y., McMillan & Co. 1930).

It was generally accepted among the literati of Louisiana that Governor Warmoth had written or was writing Memoirs of his long life in this State. The quidnuncs said he would lay open certain portentous, political and financial secrets, and would also hurt the feelings of the ancient participants in some of the interesting political campaigns in which the Governor had participated. All this was many years ago, but the wiseacres were confounded by the silence of the Governor and they ceased gossiping, and postponed indefinitely the publishing of the Book of Revelations. Meantime a new generation is occupied with economic and political troubles of its own, and few are alive today who are sufficiently interested to be stirred to wrath over the contents of any book that does not concern the immediate affairs of the moment. However, Governor Warmoth's book does not justify the prophets, for it contains no revelations, and is in substance only a relation and a defense of the Governor's part in the politics of the State. There are many interesting details regarding the private and business life of the writer, but the public history side is such as anyone would expect who has a general knowledge of our political history or who knows the Governor's habits of thought and speech. In this respect, the book is a material contribution to the long list of printed matter covering the Era of Reconstruction in Louisiana and as such it will be considered in making up the eventual verdict of posterity on that issue.

Governor Warmoth was born in Illinois in 1842, and he has spent sixty-five of his eighty-eight years in Louisiana, during all of which time he has been a Republican in politics and his faith is founded on a belief in the principles of that party. He has affiliated at times with the Democrats but only for a special purpose, and the affiliation was never accompanied by a renunciation of his political faith and principles. He has always been a good fighter, he handles a trenchant pen, and he believes in himself and in his cause, but he recognizes that that cause in one of its essential features is a "Lost Cause" in Louisiana. The



mellowness of age is reflected in certain parts of these reminiscences but on political issues, the writer yields not one jot or tittle of his ancient views. This illustrates his mental resiliency and physical courage, for he has been wandering in the wilderness of Louisiana politics for lo these many years, he has felt the exhilaration of victory and the hunger of defeat, and hardest of all has more often been compelled to stand on the side lines and watch the game of politics played by other participants who it may be added have, like the distinguished spectator, found it the most illusive and uncertain of human occupations.

Governor Warmoth has had an extraordinary career in Louisiana, and a mere outline of it would exhaust the space of this department, but a few high spots may be noted. He was a young lawyer in Missouri when the Civil War broke out. He was mustered into the military service of the United States in 1861, and his first visit to New Orleans was in 1862 in his capacity as Lieutenant Colonel on detached service. He returned in 1865 to take up his home here and almost immediately became a factor in the ranks of the Union or Republican politicians of Louisiana. A cleavage occurred early between these people and so far as we can judge from his book the difference between Warmoth and his associates was upon the Africanization of Louisiana demanded by the newly enfranchised negroes who constituted more than ninety per cent of the Republican party. That peril in its more hideous aspect was averted by Warmoth's efforts who in 1868, was selected over a negro by a majority of two votes in the Convention of his party as its candidate for Governor. This was the first election to be held after the adoption of the Constitution of 1868. The delegates who framed that instrument were elected under the supervision of the military forces of the United States commanded by Gen. P. H. Sheridan. The registration of voters conducted by him was wholly partisan for only a small percentage of the white non-republican voters—the previous ruling class—were able to register under the provisions of the Reconstruction Act of 1867. After the Constitution was framed, General Sheridan ordered an election for the officials who were to put the Constitution into operation. This was held under like conditions and the Republican campaign in 1868 developed two tickets, representing the discord in their ranks and Warmoth's faction triumphed.

Governor Warmoth therefore stands out in our history as the Moses of the Republican Party selected in 1868, to lead it into the political land of milk and honey. There is no disputing the burden of the task he undertook. The state was bankrupt, the people were impoverished, business was struggling, agriculture had not recovered from the devastation of the war, the levees were in disorder and perennial floods and crevasses added to the general misery, reconstruction was in full swing, the army of the United States hovered over the scene, the bulk of the white population was disfranchised and the negro sat in the Seats of the Mighty. The new ruler was striving to keep the peace in his own ranks and to checkmate so-called Democrats who joined in the general pursuit of special privileges. By 1870, he had concluded to build his fences for a renomination in 1872, and the brightest political spot in the gloom was his successful campaign of 1870, to amend the Constitution of 1868, to lift the ban from the ex-confederates who had been disfranchised by it and at the same time to open the door to his ambition for a second term in 1872.

The hostility of the factions of the Republican party filled the years 1870-1872 with political tumult in which the Governor was derided by the Customhouse or Grant wing of his party and he suffered humiliation and finally impeachment through a combination of malcontents in which the negroes took a leading part. The Governor had by inclination and by force of circumstances sought alliance with the newly enfranchised whites, and the campaign of 1872 opened with a combination ticket headed by John McEnery, for Governor, opposed by the Grant Republicans led by Kellogg. We know of no better brief account than this of the Governor's of the hideous and brazen misconduct of the latter faction in this campaign culminating in the famous "midnight order" of Judge Durell of the United States District Court by which with the assistance of Grant and the Federal soldiers Kellogg's gang was seated and the State turned over to its tender mercies for four years, 1872-1876. The last sentence of Governor Warmoth's analysis of the bad judgment of the Democrats in persisting in disregarding his advice in the campaign is worth repeating.

"Had the 'Last Ditch' Democrats and the Reform faction consented to accept Col. Penn for Governor and Lieutenant Governor Pinchback as our candidate for Congressman at large as they

were urged to do we would have carried the State by 30,000 majority. There would have been no split in the Returning Board and no contest over the election and the people would have been spared the four years of the dreadful Kellogg regime and the lives of many of her people would have been saved."

It may be that had the course of events after 1872 been under Governor Warmoth's control or guidance, the State would have avoided the dismal consequences of the defeat of the Liberal Republican-Democratic ticket of 1872, but any such conclusion would leave out of consideration the desperate political gamblers in Washington and the active cooperation of President Grant whose hatred of Warmoth was equalled only by his hatred of the white people of Louisiana. This combination would have found some way to prevent the political union of whites and blacks for the redemption of the State from the harpies who were tearing out its vitals. Indeed the history of events after 1873, cannot be ignored by the prophets. Grant's prompt suppression of the Revolution of September, 1874, his monstrous misuse of Federal soldiers to "purge" the legislature in 1875, and other interferences in the welfare of the State, all these actions, all this misconduct created scarcely a ripple among Grant's supporters and adherents in the Congress of the United States. The narrow escape of the Republican party in the Disputed Presidential Election of 1876 was the warning and the command to that party to cease using the Federal military forces in support of discredited governments in Louisiana and the South.

We have exhausted our space on what we conceive to be the crucial period of Governor Warmoth's career in Louisiana, but his book discusses many other issues and some of these are just as important and just as interesting as the main theme. The political history of the State after 1877, is a vivid, colorful panorama and Warmoth had a hand in much of this. He opens many private doors that let in the light where there has been darkness and misunderstanding, but the full inside story of those times has yet to be written. Here again the Governor's caustic pen makes a black mark against many men honored and respected in the annals of the Democratic Party but he should not forget that in the sad days of Reconstruction lessons were taught, methods used and results obtained by the party then in



power that were not forgotten and were continued in use in the new era. Aside from this, any political contest in Louisiana between 1877 and 1898, involved the revival of the racial problem that had its genesis in the year the Republican Party first voted the colored man for the destruction of the white ideal of government in Louisiana. It is said that both factions of the dominant party after 1877 used the colored voter in its own interests, and there is some basis for this comment, yet as we have indicated in this paper, politics has a code of its own and right and wrong get strangely mixed in the clamor for party or factional success. It was so in the days of our forefathers, it is so now and while perhaps it is a high price to pay for the privilege of living under a republican form of Government, still there is no indication that any better way of doing things will be found during this generation.

We have said enough about the Governor's book to indicate we have enjoyed the time spent in its pages, and we leave it with that respect for its author that every strong man must feel in following the career of one who has battled for his convictions. We have not been able to appreciate some of these principles, nor to join in his joy when he first succeeded in putting them in operation in Louisiana, nor are we convinced that the convictions of the other fellows who succeeded in the years after Reconstruction are not entitled to more respect than the Governor is inclined to accord them, but none of this detracts from the merits of this vigorous presentation of the Life and Times of Warmoth in Louisiana.



**RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA  
XLVIII.**

February, 1745.

(Continued from July, 1930.)

By HELOISE H. CRUZAT.

*Marginal Notes by Henry P. Dart.*

**By the Editor of the Quarterly**

List of Officials of Louisiana participating in the work of the Superior Council of Louisiana contained in this installment:

de Vaudreuil, Pierre Rigaud  
Cavagnol, Governor.

Le Normant, Sebastian  
Francois Ange, First  
Judge and Commis-  
saire Ordonnateur.

De Benac, Etienne, Town  
Major.

Fleuriau, Francois,  
Procureur General.

Henry, Nicolas, Clerk of the  
Superior Council and  
Notary.

Members of Superior Council:

de Vaudreuil, Pierre Rigaud  
Cavagnol, Governor.

Le Normant, Sebastian  
Francois Ange, First  
Judge and Commissaire  
Ordonnateur.

De Benac, Etienne, Town  
Major of New Orleans.

Lafreniere, Nicolas Chau-  
vin de, Councillor.

Raguet, Jean Baptiste,  
Councillor.

Prat, Jean, Councillor.

Barbin, Francois, Godefroy,  
Attorney for Vacant  
Estates.

Lenormand, Marin, Sheriff.

Flaucourt, Auguste de la  
Loere, Sub-Delegate  
at Illinois.

Feb. 6.  
11½ pp.

Judgments of  
Superior Council  
between Chantalou  
and others.

See the next entry  
post for an elabo-  
ration of the reasons  
for the judgments  
summarized below.

Mrs. Ruelan vs.  
her husband.

**Session of the Superior Council of Feb. 6, 1745.**

Were present M. de Vaudreuil, Governor;  
M. Le Normant, first Councillor; M. de Be-  
nac, Major; de Lafreniere, Raguet and Prat,  
Councillors.

1. In case of Dame Francoise Ruelan, plain-  
tiff, vs. her husband, the Council orders an  
investigation before Councillor Raguet,  
however the Ursuline Ladies will be held  
to receive her until decision. Costs re-  
served.

Catherine Gourdan  
applying for  
authority to accept  
with benefit of  
inventory.

2. Augustin Chantalou, acting for Mrs. Catherine Magny, wife of Sr. de Gourdan, as heiress of Sr. de La Buissonniere petitioner; Sr. Chantalou as representative of plaintiff to have benefit of inventory, so that said petitioner may accept or refuse succession. Costs pending.

Succession of Jean  
Merle called  
Grandjean.

3. George Tesson, as testamentary executor of Jean Merle, called Grandjean, petitioner for homologation of will dated Jan. 24, 1745: Order that Attorney of Vacant Estates acting as Attorney of Alien Estates have the seals raised and remain in possession of goods of said succession until further orders. Costs pending.

Remy vs.  
Montlouis.

4. Charles Remy, plaintiff, protesting against decree of Superior Council, vs. Jean Baptiste Prevost, acting under procuration of Sr. Gaune de Montlouis, defendant and plaintiff: Case adjourned until next session of Council. Costs pending.

Jauriguibery  
vs. Livet.

5. Sr. de St. Martin de Jauriguibery, plaintiff, vs. Jacques Livet, as husband of Widow of Francois Colin, defendant: The Council, before rendering judgment, orders that memorial presented by plaintiff be examined by Sieur de Verges, Engineer of the King, report to be made of his opinion. Costs pending.

Senet vs. Ralet.

6. Sr. Senet, plaintiff, vs. Sr. Prevost, acting under procuration of Widow Ralet, defendant: The Council, with consent of both parties, condemns the defendant to pay the plaintiff the amount of the obligation of June 23, 1739, and costs.

Le Bretton and  
Sevet vs. Prevost,  
agent.

7. Sr. Le Bretton, plaintiff, Sr. Sevet, also plaintiff, vs. Sr. Prevost, in his official capacity, defendant: Council orders defendant to pay the amount of his obligation and costs.

Forstall vs.  
Laissard.

8. Sr. Forstall, plaintiff, vs. Sr. Laissard, defendant: Council orders that Sr. Laissard reimburse half commission retained by Sr. Laissard and it forbids Sr. Herault to pay, as he consents to do, when so authorized. Costs to be paid by Sr. Herault.



Le Sassier vs.  
Rev. Pere Charles.

9. Sr. Le Sassier, plaintiff, vs. Rev. P. Charles, former Curé of the "Chapitoulas": Council orders defendant to pay to plaintiff the sum of 695 livres, following his note and costs.

Mr. de La Freniere  
has recused himself.  
Rev. Pere Charles  
vs. inhabitants of  
Chapitoulas.

10. Rev. Father Charles, Cure of the Chapitoulas, plaintiff, vs. the residents of the said Parish for payment of the sum of 1800 livres, due to him by the parishioners of the Chapitoulas according to obligation made by them: Council orders that assessment of said sum be made among the residents of said Parish and that they be held to pay it according to their agreement and costs.

Raguet and  
Lafreniere retired.  
Voisin vs. Aufrere.

11. Sr. Voisin, plaintiff, vs. Sr. Aufrere, defendant: Council discharges the plaintiff; costs compensated.

Prevost vs.  
Boisclair.

12. Sr. Prevost, plaintiff, vs. Sr. Boisclair, defendant: Judgment in default against defendant and in consequence Council orders that he be cited again before them at the next session. Costs reserved.

Voisin vs. Pierre.

13. Sr. Voisin, plaintiff, vs. Pierre, called St. Pierre, cooper, defendant. Judgment in default against defendant and order that he be cited again.

Couilleret vs. Millet.

14. Pierre Couilleret, plaintiff, vs. Millet, defendant: Council orders to submit case to arbitrators agreed on by both parties. Costs pending.

Amyault vs. Barbin,  
Attorney of Vacant  
Estates.

15. Sr. Aufrere, substitute attorney, holding procuration of Miss Bernarde Amyault, petitioner, vs. Sr. Barbin, Attorney of Vacant Estates, defendant: On conclusions of the Procureur General of the King, Council orders to proceed to sale of goods of succession of deceased Dausseville, to settle his private debts as well as successions in his hands at time of his death, returns thereof to remain in deposit with Attorney of Vacant Estates until complete liquidation. Costs on Dausseville Succession.

Jacqueline Chauvin  
St. Anne vs. Laguer,  
called La Tendresse.

16. Jacqueline Chauvin, wife of St. Anne, plaintiff, vs. Laguer, called La Tendresse, defendant: Case adjourned. Costs pending.

Le Sassier vs.  
Dauphin.

17. Le Sassier, plaintiff, vs. Dauphin, defendant: Plaintiff nonsuited and to pay costs.

Champagne vs.  
vs. Reynault,  
called Avignon.

18. Jean Baptiste Champagne, plaintiff, vs. Claude Reynault, called Avignon, defendant: Council orders said house to be examined by experts who will report on repairs necessary, before rendering judgment. Costs pending.

Nicholas vs. Petit,  
called St. Joseph.

19. Nicolas, gunsmith, vs. Joseph Petit, called St. Joseph: Council throws case out of court, plaintiff to pay costs.

Signed: Lenormant.

Feb. 6.  
24 pp.

Judgments of the  
Superior Council.

**Session of Superior Council of Feb. 6, 1745,**  
where were MM. de Vaudreuil, Governor; le Normant, First Councillor; de Benac, Major; de Lafreniere, Raguet and Prat, Councillors.

2½ pp.

This interesting document seems to be the reasons for judgments rendered in the respective cases reported in the official abstract or summary printed immediately before this entry.

Mrs. Ruellan, wife of Captain de Membrede vs. her husband, for separation from bed and board.

1. Petition of Francoise Ruellan, wife of Sr. Jean Baptiste de Membrede, Captain of a detached Company of the Marine, in demand of separation from bed and board and of goods, showing how he ill treats, insults and beats her with his closed fists, that he carries away and wastes the goods of her minor children. She prays to be appointed tutrix of her children and that she be allowed to retire in the Convent with her daughter until her case is decided and that he be enjoined not to take anything from the house or plantation of the minors, that this be filed in Registry as complaint and communicated to the Procureur General of the King to be reported at next session of the Council, to be ordered thereon what is just, after presentation of the certificate of Sr. Gardrat, who examined her injuries. Council orders that alleged facts be established before judgment is passed, that the Ursuline nuns be held to receive her. Costs pending.

2 pp.

Catherine Magny, wife of de Gourdan seeking authorization to accept with benefit of inventory the succession of her deceased cousin Commander de la Buissonniere of the Illinois.

2. Augustin Chantalou, acting for Catherine Magny, wife of Mr. de Gourdan, heiress and creditor of Sr. Alphonse de la Buissonniere, her first cousin, Commandant at Illinois. Councils orders that inventory be taken of goods of deceased de la Buissonniere and of his indebtedness to said Mrs. de Gourdan that she may accept or reject

the succession, constituting as her attorney Sr. Augustin Chantalou before the Notaries of the Chatelet of Paris, March 26, 1744; Council grants Chantalou, under procuration of Mme. de Gourdan, letters of benefit of inventory after compliance with prescribed formalities. Costs pending.

2½ pp.

Succession of  
Jean Merle,  
called Grandjean.

3. George Tesson, petitioner for homologation of will of Jean Merle, called Grandjean, dated Jan. 24, 1745, as testamentary executor named by said Merle, who was an employee of the King in his warehouses. The will was made in favor of Marie Jeanne Caron, his god-daughter, and Tesson prays for homologation of said will in order to proceed to election of a tutor and under tutor to said legatee, he Tesson having been appointed under tutor of which charge he begs to be relieved on account of his advanced age. He declares that said Merle came from Savoy ("Province de la Tarantaise") formerly subject to France and therefore cannot be classed as alien, though he omitted to declare his letters of naturalization having labored for the King and the Company during twenty-five years; the legacy to the minor is given in gratitude for the services rendered deceased by her parents, his low wages not sufficing for his needs without help tendered by the child's mother and father, Tesson asks that the will be declared good and valid and that the seals, affixed on demand of the Procureur General of the King, be raised after inventory before tutor and under tutor and in the presence of the Procureur General of the King and the Attorney of Vacant Estates, in this case acting as Attorney of Alien Estates, the said goods to be remitted to him until further orders.

2 pp.

Jaureguibery  
vs. Livet.

4. Sr. de St. Martin Jaure Guibery, plaintiff, vs. Livet as husband of Widow of Francois Collin. Sr. de St. Martin Jaureguibery states that he made a verbal agreement with said widow to build a house on the ground, 26 ft. in length by 19 ft. in width, bricked between posts, covered with shin-



gles, boarded top and bottom, doors and windows, "the key in hand," in payment of which she was to give him a negro owned by her, called L'Eveillé; the said widow who has since married Jacques Livet and is lodged in the house, not only has not delivered the slave, but has offered in payment a note signed by Livet for two thousand livres payable in two years, which he cannot accept on account of the heavy expenses incurred to build the house; he expects said Livet and his wife to pay the sums expended as per memorandum for lumber, carpenter's work, rafters, joists, hinges and locks, etc., as per appraisement which may be made by the Engineer of the King, or, if preferable, the defendants may have the house transferred at their expense on land owned by the plaintiff. Livet and his wife acknowledge that the house was built at expense of St. Martin but they are unable to pay without delay the price he demands, they offer to sell him the lot on which said house is built on conditions to which he will agree. The Council before rendering judgment orders that memorandum be presented by St. Martin and submitted to Mr. de Verges, engineer of the King, who will report thereon so that may be ordered what is just.

1 p.

Sevet for Paul  
Rasteau vs. J. B.  
Prevost, agent of  
Mrs. Couturier.

5. Sr. Louis Pierre Sevet, acting under procuration of Sieur Paul Rasteau (Rasteau) of this Colony, plaintiff, vs. Sr. Jean Baptiste Prevost, holding procuration of Widow Ratel, previously widow of Sr. Couturier, mother and sole heiress of Sr. Joseph Couturier, defendant: Council orders that the sum of 1000 livres in specie of France, with 6% interest thereon until full payment, due by Couturier succession, be paid by Sr. Prevost, acting for the heiress, as stipulated and costs.

2 $\frac{3}{4}$  pp.

Forstall vs.  
Layssard.

6. Sr. Forstall, plaintiff, vs. Sr. Etienne Laysard, younger brother, defendant. Sr. Forstall's petition shows that Sr. Assailly, merchant of this Colony, was commissioned by Hugues Grandjean, merchant of

Havana, with the shipment of gold bars worth six thousand three hundred and ninety-five piastres, four reales, and of a chest of old silver, valued at eleven hundred and thirty-two piastres, on the first vessel of the King that sailed, that Sr. Assailly having since left for Santo Domingo, turned over this commission to Sr. Etienne Herault, another merchant of New Orleans, who leaving for France on the Elephant, transferred the responsibility to Layssard Bros. on order of Sr. Grandjean. Sr. Herault before remitting it exacted a commission of 2% from Layssard Bros. which he pretended to be the right of Sr. Assailly. As the plaintiff is requested to withdraw the matter from Layssard Bros., that a letter from Sieur Assailly to Sr. Herault charges but 1% on said matter. Absence of Sr. Grandjean having prevented the execution, request for citation of Layssard Bros. as retaining funds belonging to Sr. Herault and for order that he remit to said Sr. Herault the other half due on his commission, keeping account of sum paid; Sr. Le Normant after examination of correspondence between Srs. Grandjean, Assailly, Herault, and Layssard, orders Sr. Layssard to pay Sr. Herault half due on the commission, after declaration made by him that payment is made from funds in his hands for Sr. Grandjean. Layssard Bros. to be validly discharged and Sr. Herault to pay costs.

1½ pp.

**LeSassier vs.  
Rev. Pere Charles.**

7. Sr. Lesassier, merchant of New Orleans, plaintiff, vs. Rev. F. Charles, Curé of the Chapitoulas, for payment of the sum of 695 livres for value received in merchandise; Father Charles acknowledges his debt but states that the inhabitants of Chapitoulas agreed to pay 1200 livres per year for his support and that of the church, which they have never paid though he served there from July 1, 1743, to the last day of January, 1745, therefore they are indebted to him for 1800 livres, which if paid would enable him to cancel his obligation: Council orders Curé to pay

- sum of 695 livres and afterwards sue the inhabitants of Chapitoulas for the sum due him.
- 11½ pp. 8. Rev. Father Charles (d'Avranches) plaintiff, vs. the inhabitants of Chapitoulas, defendants, for payment of 1800 livres which they agreed to pay him: Council orders that each inhabitant be assessed for his quota of the debt, which must be paid to the Rev. Father as per agreement.
- Rev. Pere Charles  
vs. inhabitants of  
Chapitoulas.
- 1 p. 9. Sr. Pierre Voisin, plaintiff, vs. Sr. Aufrere, defendant: Claim by Sieur Voisin that verbal contract was made for corn in grain and unthreshed rice with Sr. Aufrere, of which he delivered only a part. Prays for order to him to deliver the whole or to pay the difference at price of this day which is much higher than when contract was made: Council throws the suit out of court and orders Voisin to pay costs.
- Voisin vs. Aufrere.
- 1 p. 10. Sr. Pierre Voisin, merchant of New Orleans, plaintiff, vs. Sr. Nicolas Chauvin de Boisclair, defendant: For payment of 281 livres. Judgment in default and citation again issued for appearance of Sr. Chauvin de Boisclair. Costs pending.
- Voisin vs. Boisclair.
- 1 p. 11. Pierre Couilleret, Francois Boyer and Pierre Naigle, partners, plaintiffs, vs. Millet, defendant: Sr. Millet is indebted to them to the amount of 948 livres, 14 sols. Council orders that the case be submitted to arbitration, arbitrators to be agreed on by both sides. Costs pending.
- Couilleret et al  
vs. Millet.
- 1¾ pp. 12. Sr. Antoine Aufrere acting for his son-in-law, Sr. Gerard Pery, under procuration of Delle Bernarde Amyault, heiress of deceased Sr. Dausseville, under benefit of inventory; vs. Sr. Barbin, Attorney of Vacant Estates, asking that he render account of said succession and of other successions for which Sr. d'Ausseville was responsible when living. Sr. Barbin allowed three days to proceed to sale of all goods of D'Ausseville succession before Councillor Raguet, all returns to remain in possession of Attorney of Vacant Estates until full liquidation.
- Amyault vs.  
Barbin, Attorney  
for Vacant Estates.



Champagne vs.  
Reynault.

13. Jean Baptiste Champagne, plaintiff, vs. Claude Reynault, called Avignon, who has leased a house to one Gauvin for three years, said lessor refusing to adhere to conditions of lease concerning repairs, though he held Gauvain to all his agreements. Council orders that said house be examined by experts who will report thereon and that necessary repairs shall be made. Costs pending.

Nicolas vs. Petit.

14. Sr. Nicolas, gunsmith, vs. Sr. Joseph Petit, defendant: Nicolas complains of his apprentice. Council throws case out of court and condemns Nicolas to pay costs.

These 24 pages are charred through, with many parts missing.

Feb. 7.  
25471. fo. 25.  
3976. 1 p.

Declaration of a fire  
that destroyed a  
barn and its contents.

**Declaration** in Registry of Superior Council by Anne Coudra, wife of Leonard Pere who affirmed that during the night from last Thursday to Friday, between the hours of eleven and midnight fire took in the barn where their corn and rice was stored and that they were not able to save anything from the said conflagration. She does not know how the fire took nor what caused it and has made this declaration to serve and avail as need may be asking that act be passed of same and declared that she did not know how to write nor sign, wherefore inquiry following ordinance.

Signed: Henry, Greffier.

Feb. 8.  
25474. 3978.  
fo. 27.

Marriage Contract,  
Foucher-Carriere.

**Marriage Contract** of Antoine Foucher, son of Pierre Foucher and Louise Metesser, both deceased, a native of Rochefort, Parish of La Rochelle, on the one part; and Miss Marguerite Carriere, minor daughter of Sr. Joseph Carriere and Dame Marguerite Trepagnier, her parents stipulating for her. Signed: foucher. marguerite Carrier. "Cmtpanjearrer." veuve carriere. Livaudais. Livaudais. Joseph Carie. Chantalou. Chvr. de nasan. Coquillo. De mason. Henry, notary.

Feb. 8. **Declaration** by Michel Neron in the office of the  
25478. General Commissioner of the Marine, and  
3979. fo. 27. Ordonnateur of Louisiana, that the boat St.  
Jean Baptiste, of which he is the Captain, is  
in the port of New Orleans, that it is owned  
by Srs. Forstall and Brousbayere, who on the  
17th of last September obligated themselves  
to MM de Vaudreuil and Salmon to return to  
this Colony after having reached Havana,  
which would have been more convenient and  
was also ordered by Sr. Bloquin, Agent of the  
Nation in Havana in the name of the King.  
They were detained in Havana from the ninth  
of October to the third of December follow-  
ing, of which delay they have made a "proces  
verbal." On the 11th of January after bad  
weather and much damage mentioned in said  
proces verbal of January 27th, which two pro-  
ces verbaux are annexed to this declaration  
of which duplicates were kept by Sieur For-  
stall, they arrived in the port of New Orleans  
February 8, loaded with pitch, tar and planks,  
being the cargo they transported from New  
Orleans last September as the Governor of  
said place (Havana) would not allow him to  
land nor sell there for reasons unknown to  
him, wherefore this present declaration which  
he affirms to be the truth and promises to  
have certified by the proprietor and passen-  
gers on the said boat.

Signed: Neron.

Affirmation of the  
owner and passengers  
to the truth of the  
foregoing protest.

The above declaration being read to Sr.  
Nicolas Forstall, Srs. Cartier, Jr., Honore Ras-  
tau, passengers on said boat, one Baptiste one  
of the crew, affirmed the truth of said decla-  
ration presented by the above gentlemen and  
signed: N. forstall. Cartier fils . . . honore  
Rastau . . . ordinary mark of one X Baptiste.

Henry, notary.

Feb. 9. **Proces Verbal** of advice of relatives and friends  
No. 1032. of the minor Marie Jeanne Caron for election  
3 pp. of a tutor and under tutor; report thereon and  
acceptance of charge of tutor by George Tes-  
son and that of under tutor by Le Melle called  
Bellegarde and homologation of same.

Family meeting to  
elect tutor and under  
tutor to the minor  
Marie Jeanne Caron.

Signed: Tesson. Lemelle. f. Roujot. Bran-  
tan. Dumas. Guesnon. Raguët. fleuriau.

Notice served on relatives and friends for family meeting in to be held in the house of the Attorney General of the King on Royal Street. Signed: Lenormand.

Inclosed in previous document.

Feb. 10.  
25481. fo. 27.  
39080. 4 pp.

Marriage Contract,  
Mahyeux--Prevost.  
Executed in  
Pointe Coupee.

**Marriage Contract** passed before Notary of Pointe Coupée, between Francois Mahyeux, son of Pierre Mahyeux and Marie Spellier, a native of Arkansas, bishopric of Quebec, and Nicolle Prevost, minor daughter of Nicolas Prevost, called Collet and of Jues Dubos her parents.

Signed: Francois Mayeux. Maieux. Nicolas prevost. Marque + de Nicolle Prevot. Marque + de marie françoise Manne. Marque + de Jues Dubos. Pontalba. Trenaunay Chanfret. paul morot. J. Herbert. and we Notary, Potin.

Feb. 11.  
No. 1033.  
27 pp.

Inventory succession  
of Jean Merle,  
called Grandjean.

**Inventory** made after decease of Jean Merle, called Grandjean. Form of checking off effects inventoried after decease of Caron. Covers 27 pages, signed: Lemelle. Lenormand. Barbin. Raguet. fleuriau.

Document charred in upper margin.

Feb. 12.  
3 pp.

Antoine Aufrere,  
agent of Miss  
Amyault protests  
against the losses  
and delays caused  
by the failure of  
Attorney Barbin to  
close the litigation  
between them over  
the d'Ausseville  
succession.

**Petition** to M. Le Normant, First Councillor, Commissioner of the Marine and Ordonnateur of the Province of Louisiana by Antoine Aufrere, under procuration of Miss Bernarde Amyault, heiress of deceased Sr. Raymond Amyault d'Ausseville, Attorney of Vacant Estates in this Colony, praying that bond offered be accepted. On advice from Sr. Barbin his successor, that all accounts of Vacant Estates in his predecessor's hands were ready, the petitioner thought it wise to ask that movables of d'Ausseville succession be sold to prevent decay and for the interest of the heiress all the more so as the prolongation for the value of the money is about to expire; however the Council by a decree of last February 6, orders indiscriminately sale of all movables and immovables of this succession which would cause great prejudice to interests of heiress. If her attorney had foreseen this decision and especially that the returns were to remain in deposit with Sieur Barbin until full liquidation he would not have deemed it nec-



essary to give solvent bond, Attorney of Vacant Estates being in no hurry to remit to her attorney notes of the creditors of said succession. All reasons prompt the petitioner and the bondsman to expose the prejudice to them, putting in doubt the ability of one and the solvency of the other and they pray that investigation may lead you to do them justice.

Signed: Dlle Dupart. Aufrere.

1 p.

Statement of receipts and disbursements in the d'Ausseville succession.

**Statement** and receipts made by Sr. Aufrere of returns of succession of deceased Sr. d'Ausseville from Jan. 8, 1745, to July 15, 1745. Debits and Credits.

Feb. 14.

25492.

fo. 29. 1 p.

3982. 1 p.

Procuracion from Santo Domingo to sell property in N. O. and to do other acts.

**Procuracion** granted by Jacques Forcade before Notaries Royal of the Isle and Coast of Santo Domingo to Anne Galbreon wife of Barthelmy Du Bic, usually residing in New Orleans, to sell two lots for the price she will consider proper, to collect said amount and give all receipts necessary, to withdraw from the Attorney of Vacant Estates of Louisiana the price of the movables owned by said constituent which were sold at his wife's death, to prosecute him and demand the account be rendered him, also to solicit manumission of one Mathias Foucade, son of Manon, negress owned by Sr. Rousseau Potier, residing at the German Coast, the said mulatto born at "La Riviere aux Poules" and baptized at Mobile, whose freedom the constituent bought from said Rousseau, receipt of which may be found in one of his chests, any expense incurred, will be reimbursed by constituent. Said Fourcade declared that he could not write nor sign, wherefore inquiry as per ordinance.

Signed: Bugaret. P. Moreau.

Certification of above signatures by Jean Francois Rey, Councillor of the King and Civil Judge at Cap Francois and Coast of Santo Domingo. Signed: Rey. (seal.)

25494.

2 pp.

Deposit of said procuracion in the Registry of the Superior Council at New Orleans.

**Procuracion** of Jacques Fourcade to Anne Galbreon filed in New Orleans, of which act was passed and delivered to said Dame Du Bic in the presence of Augustin Chantalou and Jacques Cantrelle, witnesses who have signed with Henry, notary, the said Anne Gal-

breon declaring that she could not sign nor write, wherefore inquiry as per ordinance.

Signed: Henry, notray.

Notarial copy of procuration is in Sorbonne script.

Feb. 15.  
25499.  
fo. 27.

Receipt by the  
Treasury for the  
price of slaves  
sold in 1734.

**Receipt** for the sum of 1400 livres remitted to the Treasury by Mrs. de Veauparin for a negro and three small negroes that she bought from the King in 1734.

Signed: de La Pommeraye for 1400 L.

A true copy of the original.

Signed: Henry.

Feb. 15.  
No. 1034.  
6 pp.

Another inventory  
in the succession  
of Merle.

**Inventory** of goods of succession of Jean Merle, called Grandjean, taken on demand of Sr. Nicolas Godefroy Barbin, before Jean Baptiste Raguet, Councillor, commissioner on this case.

Signed: Tesson. Lenormand. Barbin. Raguet. fleuriau.

Feb. 16.  
25500. 3983.  
2½ pp.

Marriage Contract,  
Nicholas Thuillier  
and Dorothee Mercier  
before de Beaubois,  
Jesuit Priest at  
Caskakias.

**Marriage Contract** of Nicolas Thuillier and Dorothee Mercier, before Nicolas Ignace de Beaubois, priest of the Company of Jesus, Curé of Notre Dames des Caskakias, acting in default of any other person to this committed and in the presence of witnesses. Dorothee Mercier was the widow of Pierre Chabot. Complete inventory of goods and land and debts of said widow. The said future husband has promised to raise the child of his future wife as if it were his own, at his expense and to give him all possible care. Original Contract made Nov. 17, 1721, signed by Nic. Ig de Beaubois Jes.

Witnesses: Jean Baptiste Mercier. Jacques Lalande. G. Pottier. Poudret. Guyon. Carriere.

Collated copy signed by Barrois, Feb. 16, 1745.

Ratification of this  
act by de la Loere  
Flaucourt, sub-  
delegate of Salmon  
at Illinois.

Original act ratified by Auguste de La Loere Flaucourt, Chief Secretary of the Marine, Subdelegate of M. de Salmon at Illinois, who recognized this contract as valid as there was no notary in the said place.

Signed: Delaloere Flaucourt.

Feb. 15.  
1 p. N. P.

Order of Gov.  
de Vaudreuil for  
transportation to  
Pensacola of flour  
shipped from  
Vera Cruz to  
New Orleans by  
Chevalier de Grenier  
for account of the  
King of Spain.

**Copy of Order of Governor de Vaudreuil** for shipping flour for account of the King of Spain, following declaration made by the Chevalier de Grenier, who shipped from Vera Cruz, on the brigantines the St. John the Baptist and the Souls of Purgatory, under Captain Millet Machade, three hundred cases of flour, "Flower of Vera Cruz", to be carried to account of the King of Spain, in New Orleans, and for which said Grenier remitted the freight, for which he made out his receipt to the Royal Officers and Auditor (Contador) of Vera Cruz, the 300 cases mentioned, as they were not listed in the bill of lading at Vera Cruz, de Vaudreuil orders said Grenier to remit this freight to Sr. Gonzales, resident of this Colony to transport them to Pensacola at the cost and risk of His Catholic Majesty.

The original signed: Vaudreuil.

Note:

Document reads: "Situado de Pensacola" which is an allowance assigned on certain goods or effects.

Feb. 17.  
4 pp.

Letter from Fazende  
to an unnamed  
correspondent con-  
cerning business and  
other conditions  
in New Orleans.

**Letter signed by Fazende** no address mentioned.

Writer profits of Mr. Bonnes departure to send news of his mother. Sr. Chaperon still holding him in suspense for delivery of corn which he owes at last sends word to send for it, but does not speak of the six barrels he is held to deliver to Fazende for Mr. Le Verrito whom I sent an order to take the same quantity from Mr. Tisserant. I beg you to inform me if Mr. Tisserant is prepared to remit the remainder. . . . Runaway negroes prowling around this neighborhood have lately taken a fine cow with her calf. The calf remained but I do not know if we will save it; he names runaway negroes, among them he names Mariane of Mr. Raguet and Brugnion of Blanpain, both suspected as incendiaries at the time of the fire of Feb. 21, 1745. . . . losses suffered through their thefts . . . complaint in Registry and recourse to Procureur General . . . news of his family and of friends. . . . Negro of Mr. Provenche was arrested lately by the runaway



Scipion; he took refuge with our negroes; the said negroes are armed.

Signed: Fazende.

Document worm eaten through the four pages.

Feb. 17.  
26509.  
fo. 27. 1 $\frac{2}{3}$  pp.

Protest of Sr. Jacques Larche against mistreatment by Company of Indies.

**Declaration** in Registry of Superior Council by Sieur Jacques Larche, settler in this Colony, who affirms that he could not come sooner into the City being detained on the plantation to prepare the land as the time for sowing was at hand, to defend himself against the Company of the Indies that has never shown him any justice, which fact he can prove in regard to his enterprises at Biloxy and those on the river here, notably on the Concession of Mr. Dartaguet, where considerable injury was done to him, for which he will prosecute said Company for indemnity and interest for the wrongs suffered up to date, before the Superior Council in a fortnight, protesting against all that may be protested praying that this declaration be certified.

Signed: Larche. Henry, Greffier.

Document charred.

Feb. 18.  
25502.  
5 $\frac{1}{2}$  pp.

Inventory made in Illinois before Rev. Boulanger, approved by Flaucourt, subdelegate.

**Inventory** made May 28, 1726, before Rev. P. Le Boulanger, at Kaskaskias, declared good and valid as there was then no notary in said place, at Fort Chartres, Feb. 18, 1745, by Sr. Dela Loere Flaucourt, subdelegate of Mr. de Salmon and Judge at Illinois. Inventory had been previously certified by Jerome, notary of Illinois on date of September twentieth, one thousand seven hundred and forty-five.

Feb. 19.  
25485. 3981.  
fo. 27. 7 pp.

Marriage Contract, Charles de Morand (Demorane) and Marie Rene de la Chaise, (both parties apparently French—not Colonists.)

**Marriage Contract** between Sr. Charles de Morand, Ecuyer, (Esquire) son of Sr. Antoine de Morand, Ecuyer Seigneur du Bois Riad Dauquermay and of Dame Jeanne de Heron, both deceased, a native of Dauquermeney, Bishopric of Rouen, previously widower of Dame Jeanne Huyr (?), on the one part and Miss Marie Rene de la Chaise, minor daughter of Sr. Joseph de la Chaise, attorney in the parliament of Paris, now deceased, and of Francoise Duchatel, a native of Paris, Parish of St. Laurent, on the other part.

Signed: Charles Demorane. Marirene delachaise. Delachaise. De Benac. DuBreuil De Benac. Juels dublot (?). Du Breuil fils. Villars Du Breuil fils. marie paien Du Breuil. felicite Delachaise DuBreuil. laboulay Villars Dubreuill. Chantalou. Cantrelle. Henry, notary.

Feb. 20.  
26511.  
fo. 27. 3984.  
1½ pp.

Lease for 3 years  
house corner Royal  
and Toulouse,  
"banquettes" to be  
kept in order  
by lessee.

**Rent Lease** by Jacques Judice to Claude Tourangin, of a house forming the corner of Royal and Toulouse streets, for three years at the price of 30 livres per month, payable every three months, on usual conditions and of keeping sidewalks in good condition. (In text: "banquettes").

Signed: Jacques Judice. Cantrelle. Chantalou. Henry, notary.

Feb. 22.  
26513.  
fo. 27. 3985.  
1½ pp.

Procuration to  
compel previous agent  
to account for  
collection and  
papers.

**Procuration** by Dame Catherine Baudreau, widow of Sieur Urbain Gervais, previously widow of Sr. Etienne Langlois. Having first given her procuration to Jean Baptiste Pourré for recovery of sums, and interest thereon, due to her in Illinois, and revenue on funds left in that country, she afterwards, in 1743, substituted Sr. Villiers, officer, to compel Poirre to render account of her funds and now constitutes as her General and Special Attorney Jean Baptiste Benoist de St. Claire to obtain from Sr. Villiers the vouchers and papers which he received from Poirre, empowering him to prosecute, compromise, settle amicably, etc., as he would for himself.

Signed: veuve gervais. Cantrelle. Chantalou. Henry, notary.

Jean Baptiste Benoist de Ste. Claire was a Marine Captain, commander of the convoy going to Illinois. Mrs. Gervais kept a store, over which lived Mr. Olivier, and there are letters in the Archives expressing her gratitude to "Sr. Benoist de St. Clair."

Feb. 22.  
26515. fo. 27.  
3986. 2 pp.

Obligation des  
Ruisseaux to Sr.  
Ancelain for  
5000 livres.

**Sr. Joseph des Ruisseaux** and Francoise Girardy, widow Milon, acknowledge that they owe Sr. Pierre Ancelain 5000 livres in piastres of 5 livres or letters of exchange on the General Treasurer of the Marine for merchandise received from Ancelain, which they obligate themselves to pay next December, furnishing

mortgage security on their goods, electing their domicile in house of Sr. La Croix in New Orleans.

Signed: Henry, Greffier.

May 27, 1747. Receipt before notary to Sr. and Dame des Ruisseaux for payment of 3600 piastres on 5000 livres, due by them to Sr. Ancelain.

Signed: Henry, notary.

July 22, 1749. Receipt for 2100 livres to Sr. and Dame Desruisseaux in full payment of his obligation for 5000 livres and for a note of sixteen piastres, dated March 5, 1745, and valid discharge of all further obligation.

Signed: Ancelain.

Collated copy of the minutes which remained in notarial office.

Signed: Henry, notary.

Feb. 22.  
1 p.

Registry of letters of benefit of inventory issued to Mrs. Catherine Gourdain in the succession of Buissonniere.

**Petition to Superior Council** by Augustin Chantalou, acting under procuration of Dame Catherine Magny, to obtain registering of letters sent to the said Dame Gourdan in their form and tenor.

Signed: Chantalou.

Feb. 22, 1745. Order to communicate above petition to Attorney General of the King.

Signed: Raguet.

Feb. 22. Considering petition and notice served on Sr. Robinault de Portneuf and Dame Therese Trudeau, his wife, previously widow of Sr. de La Buissonniere, the Attorney General of the King consents that letters of benefit of inventory obtained by Catherine Magny, wife of Sr. Gourdan, be registered, as she has made no act of inheritance, following the terms of the Custom (of Paris).

Signed: fleuriau.

Feb. 22.  
2½ pp.

Procuration of Mrs. Gourdain to present her claims in Illinois.

**Procuration** (in blank) granted by Louise Catherine Magny, wife of Messire Louis Gourdan, General Commissioner and Chief Clerk of the Marine, authorized by him to claim of creditor and sole heiress of Sr. de La Buissonniere, her first cousin, deceased Commandant of Illinois, for whose succession she obtained letters of benefit of inventory homologated. She empowers her attorney to produce inventories taken after decease of Sr. La Buissonniere as well as the will and codicils, if any, and to



demand that account be rendered by his widow, now married to Sr. de Portneuf, as having appropriated all goods of said succession, and to have recourse to all legal means necessary to enforce her rights. Passed before Notaries of the Chatelet of Paris March 26, 1744. Filed in New Orleans, Feb. 22, in the presence of Sr. Francois Roumier, and Sr. Jacques Cantrelle, witnesses there residing.

Signed: Chantalou.

Feb. 23.  
26517. fo. 29.  
3987. 2 pp.

A resident "on the other side of Lake Pontchartrain" makes his will in N. O., fearful "that death may overtake him in a place so distant from all succor."

**Nuncupative Will** of Pierre Boyer, resident on the other side of Lake Pontchartrain, at present in New Orleans. Fearing that death may overtake him in a place so distant from all succor he declares what property he owns and names his legatee, who will first pay his debts, if any.

Signed: "pie EEou." Chantalou. Cantrelle. Henry, notary.

Feb. 23.  
2 pp.

A man passing with his dogs, the latter were chased by the dogs of Provenche whereupon Monbrun Carriere owner of the passing dogs pursued the passing dogs and killed one of them on the premises of their owner. The latter prays the Council to prevent a repetition of this dog fight.

**Petition to Superior Council** by Jean Baptiste Provenche, for citation of Monbrun, son of Joseph Carriere, who having passed before his residence with his dogs, those of petitioner ran after them, whereon Monbrun pursued them in his premises and killed one of them and threatened to kill them all, wherefore he prays for citation of Joseph Carriere that he may remonstrate with his son and prevent him from insulting the petitioner and for vindication of public justice to sentence him as you may think proper.

Feb. 23, 1745. Joseph Carriere, father of Monbrun, cited before the Council at its next session.

Signed: Raguet.

Feb. 24, 1745. Notice served on Joseph Carriere, father of Monbrun, and delivered to Mrs. Le Sassier, who promised that it would reach him. Copy of petition of Provenche left with the notice of citation.

Signed: Lenormand.

Feb. 23.  
1 1/3 pp.

Cariton, a tailor, sues the Sieur Carriere to make him pay his tailor bill of 306 livres.

**Petition to Superior Council** by Jean Baptiste Cariton, tailor, for citation of Sr. Andre Carriere to compel him to pay a sum of 306 livres, due to him.

Signed: Cariton.

Feb. 23, 1745. Citation issued by Raguet.

Feb. 24, 1745. Notice served on Sr. Andre Carriere at his domicile, to appear before Council on the first Saturday of the month to answer on petition. Signed: Lenormand.

Document stained, torn and charred.

Feb. 23.  
2 pp.

Voisin, a merchant, sued Jacques Larche for 450 livres with the right reserved to pay it in bricks, Larche having failed to furnish all the bricks Voisin now asks for execution for the difference.

**Petition to Superior Council** by Sr. Pierre Voisin, merchant of this City, stating that he had obtained decree of Council against Jacques Larche, under tutor of minor daughter of Joseph Larche, to compel him to pay sum of 450 livres unless he preferred to furnish bricks to said amount at the rate of 8 livres per thousand and moreover 1200 bricks, following the said decree. Said Larche furnished the petitioner 10790 bricks at 8 livres per thousand on the sum of 110 livres, 6 sols, 7 deniers, and 3000 that he had furnished by the Jesuit Fathers, and he still owes 435 livres, 13 sols, 7 deniers, in money of France. Sr. Joseph Chaperon is now tutor of the minor, therefore he prays that said decree be executed against Sr. Chaperon. Signed: P. Voisin.

Citation issued for next session of Council.

Signed: Raguet.

Feb. 24, 1745. Notice of citation served on Sr. Joseph Chaperon at his domicile by Sheriff Lenormand.

Feb. 24.  
1 $\frac{3}{4}$  pp.  
4 Slips.

A tutor reports that his minor has a plantation which was abandoned when the levees were "carried away." In order to pay the debt due the Company of the Indies he asks permission to sell some of the slaves, owned by the minor.

**Petition to Superior Council** by Daniel Rasteau, charged with tutorship of Jean Baptiste Senet, grandson of his wife, to sell several negroes belonging to said minor to settle his account with the Company of the Indies to whom said Senet owes eight thousand and some livres. Moreover the said minor has a plantation two leagues above this place which was abandoned and the levees "carried away" which cannot be cultivated for want of funds, though he put his own negroes to work to repair the buildings and save the property of his ward who is his godson, the plantation holds a few infirm old negroes and some cattle; to maintain this plantation he prays for permit to sell the negroes. Signed: D. R.

Feb. 24. Permit to sell slaves to the amount of 8000 livres on conclusion of the Attorney General of the King, in consideration of affir-

mation of Senet's debt to the Company of the Indies and that afterwards negroes and cattle on said plantation be leased to the highest bidder for three years, the whole after compliance with prescribed formalities.

Signed: fleuriau.

Feb. 24.  
26519.  
Slip.

Note for thirteen and a half piastres due to Mr. Ancelain payable on his order signed by Carriere.

Feb. 25.  
1 p. fo. 27.

Report of an incendiary fire in Councillor Raguet's house at Pointe St. Antoine (now Algiers).

**Proces Verbal** made by Procureur General Fleuriau, on request of the Superior Council regarding a fire which occurred during the night of Feb. 21st to 22nd in the house occupied by Mr. Raguet, on the left bank of the River as one descends. Notice that the fire took on the outside, on the roof of the gallery covered with bark; no chimneys in the house and he saw no appearance of a fire having been lit in or around it. *Proces verbal* deposited in Registry and signed: fleuriau.

Inclosed in above document and deposited in Registry on Feb. 22, is a statement by Sr. Raguet concerning the fire which occurred during the night of Feb. 21st to 22nd in the room in which he slept. The flames came from the outside, from the roof of the pavilion; he threw water by the pailfull to put out the fire, on going into the yard he found that the fire had been set to the roof of the gallery which was joined to the boards of the said pavilion, and had already covered five or six feet in height and as many in width. A north-west wind was blowing and spread the flames, having awakened his son and a few women servants they put out the fire with so much difficulty that twice they were on the point of abandoning the work to awaken his wife and child who were sleeping at the end of this pavilion, that they might not "be roasted alive." He cannot believe otherwise than that this fire was premeditated and set purposely. It is to the interest of the public as well as to that of Sr. Raguet to find out the authors of this crime and therefore, he prays for investigation and the aid of the Procureur General of the King is invoked to prevent such attempts which might become more frequent if they are not prevented by severe punishments.



A file found in the yard preceding the one where the fire was set will be deposited in the Registry for conviction of the incendiaries and those accused of destroying and stealing cattle at his (Raguet's) plantation at the Pointe St. Antoine.

Above document deposited in Registry and certified by Henry, Greffier.

1 p.

Sept. 8, 1744. Another document inclosed in report on fire, signed by Raguet, which is a complaint of the thefts continually committed, for which losses he will not be held responsible and suggestive suspicion on runaway negroes and one Marianne. Deposited in Registry and certified by Henry, Greffier.

All these documents are worm eaten in such a manner as to make the whole centre illegible.

Feb. 25.

No. 1035.

4½ pp.

Sale of movables, Merle (Grandjean) estate.

**Proces Verbal** of the sale of movables of the succession of Merle called Grandjean, returns on sale amounting to the sum of 1112 livres, 10 sols, deposited with Sr. Barbin, Attorney of Vacant Estates.

Feb. 25.

No. 1036.

2 pp.

Approval by the Council of the letters granted Mrs. Gourdain.

**Judicial Approval** of letters of benefits of inventory granted to Dame Gourdan, Mr. Chantalou acting under her procuration.

Signed: Le Bretton. Raguet. De Benac. Sr. Le Normant recused himself.

Feb. 25.

On same page as previous document. (Feb. 24).

Order of Council permitting sale of slaves to pay debt due by a minor on his plantation.

**Petition of Daniel Rasteau** for sale of slaves and goods of the minor Senet, grandson of his wife, granted. He is permitted to sell to the amount of 8000 livres, to settle with the Company of the Indies and save the plantation, on condition of observing the prescribed formalities, sale to be made before M. Raguet appointed Commissioner on this case. Signed: Lenormant. De Benac. Prat. Raguet.

Feb. 25.

4 pp.

Petition of Mrs. de Membrede for separation from bed and board and further proceedings thereon. See entries of Feb. 6, ante.

**Petition to Superior Council** by Francoise Ruelan, previously Widow Pellerin, mother of Gerard and Francoise Helene Pellerin, both minors, for separation from bed and board from her husband, Captain de Membrede and for annulment of his tutorship of her children, that she be appointed sole tutrix to prevent wasting of goods their father left them. She

asks for separation on account of brutal treatment inflicted by Sr. de Membrede who even threatens her life.

Feb. 25, 1745. Order to communicate to the Attorney General of the King.

Signed: Lenormant.

March 7, 1745. Notice served on Madam de Membrede, domiciled in home of Mr. de Caue and on Mr. de Membrede, domiciled in his house, speaking to him in person and leaving him copy of his wife's petition.

Signed: Lenormand.

Slip.

Feb. 11. (Inclosed in Petition of Francoise Ruellan:).

Notice served on Sr. de Membrede to appear before Council on petition of Francoise Ruellan, his wife, on the following Saturday at "eight o'clock in the morning."

Signed: Lenormand.

Feb. 13, 1745. Names of witnesses cited to appear before Council on petition of Francoise, Dame de Membrede: Dame Helene de Moriere, wife of Mr. Fazende, aged 36 years; Miss Helene Fazende, aged 18 years; Andre Bourgeois, overseer; Mr. Barbin, aged 27 years; Charlot, negro owned by Sieur Brosset, aged 20 years.

Notified March 8, 1745.

March 13, 1745. Statement of costs of Court in case of Madame de Membrede: 16 livres, 10 sols.

Receipt to Mr. Henry for payment of above sum, on March 13, 1745.

Signed: Lenormand.

Feb. 26.  
2 pp.

Dubreuil vs.  
Daunoy.  
Proceedings to  
enforce previous  
judgment.

**Notice** served on Sr. Daunoy, through Madam Caue, where he is domiciled, that Council has decreed that he shall pay Sr. DuBreuil the sum of 1180 livres and to remit the 60 quarters of corn to him as agreed.

Signed: Lenormand.

Answer of Sr. Daunoy that he had contracted for the corn but that not then having the cash to pay for it, the parties had sold it to the King and said Daunoy promises to deliver the corn when next crop is gathered.

Signed: Daunoy. Lenormand.

Excerpt from Registers on date of Nov. 7, 1744, showing case between Sr. Claude Joseph Du Breuil Villars, plaintiff, vs. Sr. Daunoy, defendant and plaintiff: Council decides that Daunoy shall pay the 60 quarters of corn on condition that Sr. Du Breuil reimburse to said Daunoy the sum of 468 livres for wood furnished; and 712 livres which Sr. Assailly, associate of Sr. Daunoy paid for him to Sr. Roquigny, and other claims of Sr. Daunoy for wood which was delivered to DuBreuil and costs.

Feb. 27.

1 p.

Proceedings to settle  
accounts of Sr.  
Defontaine,  
administering the  
LeBlanc concession  
as per decree  
of 1738.

**Petition to Superior Council** by Francois Jahan, acting under procuration of Sr. Antoine Faguier, burgher of Chalons, in Champagne, to settle account of Sr. Defontaine, of his administration of the Le Blanc concession as per decree of March 1, 1738. Sr. Jahan prays for execution of this decree and for remittance of all papers and vouchers of said deceased Sr. Defontaine in his capacity of attorney of the heirs.  
Signed: Jahan.

Feb. 27, 1745. Permit to cite Sr. Prevost to answer on conclusions of Attorney General of the King.  
Signed: Raguet.

March 20, 1745. Notice served on Sr. Prevost, holding procuration of Srs. Assailly, Daunoy and heirs of Mgr. Le Blanc, to answer on conclusions of Procureur General, by Sheriff Lenormand.

(To be Continued)





**INDEX TO THE SPANISH JUDICIAL RECORDS  
OF LOUISIANA  
XXX.**

April-September, 1779.

(Continued from July, 1930)

By LAURA L. PORTEOUS.

April 22.

**Maria Luisa La Renaudiere, widow of Jacobo Naigle petitions for her dower rights which are due her from the inheritance of Gabriel Soulard, called San Germain.**

No. 3616. 14 pp.

Court of Alcalde de Verges and Governor Galvez.

Assessor, Dorotheo del Postigo.

Escribano, Juan B. Garic.

Entry No. 1, is the certified copy of the Notarial Act by which the plaintiff appoints Pedro Bertoniere to represent her as her attorney. No. 2 is a note stating that the copy of the marriage contract between Jacques Naigle and Marie Louise La Renaudiere has been issued on request of the widow, dated the first of the current month, by me the Commander (Athanaze de Maziere) December 11, 1778. The next record on file is a certified copy of the marriage contract dated Natchitoches, June 4, 1764, and

is to the effect that Jacques Naigle born in the Parish of St. Charles of the German Coast, Louisiana. Bishopric of Quebec, son of Jacques Naigle and Anne Boyes has entered into a marriage contract with Marie Louise La Renaudiere, native of Parish of St. Francis of Natchitoches, Bishopric of Mexico, daughter of Charles La Renaudiere and Marie Jeanne Riviere. The sponsors for the groom were Louis Thierry, Louis Le Clerc, and Pierre Derbanne and for the bride were her parents and Andres Raubin and Jean Olivier Dufrene.

Marie Louise Renaudiere presents these exhibits and sets forth that she demands her dower rights amounting to 320 pesos as will appear from her marriage contract and that an inventory and partition has been made of the property left by her husband's mother. She asks that the records of these proceedings be delivered to her so that she may claim what belongs to her by rights. De Verges rules: As it is prayed, let her have the records for five days.

In a second petition she says that the inventory and partition of her later husband's mother, Magdalena Boyer's estate has been turned over to her which shows her said husband's

share to have been 266 pesos, 6 reales, and that by her marriage contract it is evident that she had a dowry of 320 pesos, which gives her a tacit mortgage for that amount on her husband's property. She prays the Court to order the 266 pesos, 6 reales, adjudicated to her which will be in payment for her dowry.

De Verges orders this sent to the other party. Leonardo Mazange, curator ad lites to the minor, Santiago Naigle, son of Marie Louise Renaudiere answers saying that the amount claimed by the widow belongs to the minor but is not enough to have paid for his food and clothing during the fourteen years that have passed since his father's death, besides her dowry held a tacit mortgage on any and all of Jacobo Naigle's property. He offers no objections to the adjudication on condition the mother continue to take care of her son as she has done in the past and he prays that the said inheritance be turned over to Marie Louise La Renaudiere in payment for dowry on the abovesaid conditions. De Verges on Postigo's advice receives the petition for future ruling but the decision is made by Galvez on Postigo's advice who orders 266 pesos, 6 reales turned over to the widow as her dowry brought to the marriage charging her with the education and good treatment of her minor son. This ruling is assessed at 12 reales. Costs of the case are taxed at 11 pesos, 6 reales,  $\frac{1}{2}$  maravedi.

April 22.

**Inventory and sale of the estate left by Juan Baptiste Bichot, a fugitive from this Province.**

No. 3585. 72 pp.

Court of Alcalde de Verges.

No Assessor.

Escribano, Juan B. Garic.

Juan Baptista Marcarti, Pedro Surget, Nicolas Sarde, Pedro Portal and Antonio Jung all the creditors of Bichot set forth that he fled from the Province eight days before and has been a fugitive ever since, having abandoned his house as is generally known. They ask for the verification of all that he has left and

an order to sequester all his property for the benefit of his creditors. The Alcalde orders the inventory made the day following and that all interested parties be notified of the fact.

This inventory is made in the presence of Alcalde de Verges assisted by the escribano, who went to Bichot's house with Mazange and Broutin, attornies for the creditors, and having opened the door of the house with the key that was under it they looked everywhere for some signs of Bichot but found nothing. A statement of the articles found in the house shows household and table furnishings, tools, pelts, etc., and that he owned besides a piece of land 72 feet front at the stockades of the city on St. Peter Street adjoined on one side by Cadet Postal and on the other by Mr. Pellison. There was a house erected on the lot.

The next entry is an original note and a petition by Juan Baptiste Cazan, called Austible, claiming that J. B. Bichot owes him 23 pesos, 2 reales, and asks to be paid out of the proceeds from the sale of his estate. Juan Baptiste Maroteau presents a note and demands 6 pesos and a half. Miguel Laire claims 272 hard pesos, George Heno asks for 401 pesos, 6 reales. There is a receipt for 420 deer skins received from Mr. Marcarty at the rate of 50 sols each besides a mule furnished to work in his tannery showing an indebtedness to Mr. Macarty signed Bichot, February 1, 1779. The second receipt is a note to bearer for 88 pesos which are claimed by Pedro Pisano.

Then all of Jean Baptiste Bichot's creditors make a joint petition setting forth that as nearly all of his property is in pelts and are in the vats for tanning and are in danger of becoming spoiled, they ask that these be ordered sold. De Verges rules as it is prayed in everything, making whatever will be sold evident with obligation of the purchaser for what will be due which must be drawn up in the presence of the creditors named. The sale is ordered for May 5th and that the product from the sale be deposited with the guardian named for this property, as Joseph Ducros, General Receiver, has refused to accept.

The sale is held at which all the creditors were present or else represented together with the Alcalde and escribano. The articles offered are household effects, pelts, etc., left in the city by the fugitive Bichot. Some of the skins had spoiled and could not be sold. The amount realized was turned over to Leonardo Mazange who had been previously appointed guardian of the estate.

Joined to the folio here are suits entered separately and prior to the one just finished. The first is Pedro Surget vs. Bichot for 124 pesos, 3 reales. The second is Nicolas Sardet vs. Bichot for 98 pesos, 2 reales; Juan Durand claims 49 pesos for food and lodging, Cadet Postal presents a certified copy of an act of sale with mortgage for a lot of ground sold to Bichot situated on the corner of Toulouse Street by the stockades or palisades measuring 60 feet on Toulouse Street by 72 on the side by the palisades which is the same lot with improvements mentioned in the inventory. Simon Chevray, called Montheureux presents two notes and claims 22 pesos, 7 reales for board, or lumber. This ends the record which is unfinished except for a detached and unnumbered sheet of paper that contains the unfinished proceedings for the sale of the real property.



May 3.  
**Patrick Morgan and Santiago Mather vs. Juan Bautista Bienvenu as bondsman for the late Nicolas Lamothe.**

No. 3609. 93 pp.  
 Courts of Governors  
 Galvez and Miro.  
 Assessor, Doroteo del Postigo.  
 Escribanos, J. B. Garic  
 and Leonardo Mazange.

This suit involves also the intervention of the wife of the main debtor Lamothe as surety claiming a privilege against her husband's property, for paraphernal and other claims in excess of the value of the same. The procedure followed is quite instructive. The widow's claims are recognized and the property of the debtor is adjudicated to her without judicial sale. The surety is left in the lurch and pays the debt.

clear that Nicolas Lamothe, the actual debtor is insolvent, but has not renounced the debt. He will make his defenses in due time. Morgan then asks for a writ of execution, but Galvez instead orders the originals translated into Spanish by Jacinto Panis.

Panis is notified, accepts, takes oath and makes the translation. The first is the note, the second the endorsement by Bienvenu, these documents are dated October 28, 1776, and are to the effect that Nicolas Lamothe promises to pay Morgan & Mather 2052 pesos for value received within one year. Bienvenu signs as his security for the debt. There is another note dated September 19, 1776, by which Lamothe agrees to pay Morgan & Mather 1160 pesos for value received in the month of March next. This is also endorsed by Bienvenu.

Juan Baptiste Bienvenu finally answers the suit stating that his opponents have no cause against him and asks to have this case excluded and for them to direct their action against the one who is the lawful debtor. Galvez on Postigo's advice rules: Issue a despatch in due form to Don Carlos de Grand Pre, Commander of the Post at Punta Cortado (Pointe Coupée) authorizing him to seize all property belonging to Nicolas Lamothe and in case there is none set this down as a matter of record.

Pages 1, 2 and 3, the original documents have been removed according to a note substituted for them, so the record proper begins on page 4 with a petition by Patricio Morgan & Co., claiming an indebtedness of 3630 pesos, 1½ reales, at maturity, including 417 pesos, 1½ reales, interest which is Nicolas Lamothe's credit for one year. Juan B. Bienvenu having obligated himself as bondsman is asked to verify Lamothe's signature.

The defendant is absent, but after legal formalities are complied with he is reached finally by Pedro Bertoniére who takes his declaration which is to the effect that the signature is his but that he does not owe the amount specified and that for a long time Patrick Morgan and Santiago Mather have made it

A year passes before anything further is done, then on October 23, 1780, Patrick Morgan and Santiago Mather petition, saying, that a despatch was ordered sent to the Commander of Pointe Coupee to discover and seize all property belonging to Nicolas Lamothe and if there was none to record the fact, because of the death of the escribano, Cartulario, the decree remained without authorization. Therefore they petition that another despatch be ordered issued in conformity to what has already been decreed. Piernas on Postigo's advice rules that another despatch be issued directing Carlos de Grand Pre to notify Nicolas Lamothe that he must pay Morgan & Mather the 3631 pesos, 1½ reales, that he owes and in case he can not do so to seize his property to the extent of this debt and if he has no property to set this decree down as a matter of record and to remit all proceeds to this Tribunal.

Perrina Stephan, called Roquancourt, wife of Nicolas Lamothe and a resident of Pointe Coupee now enters the suit. She presents six exhibits, the first is her power of attorney appointing Francisco Broutin to represent her interests in New Orleans. The second is a notarial act dated New Orleans, November 11, 1771, and is an agreement entered into by Juan Stephen Dequetray, called Rocancourt for one part, and for the other, Nicolas Lamothe as husband of Perrina Dequetray and Anna Stephan Dequetray, widow of Diego Desautels called La Pointe, all residents of Pointe Coupee now in this city to end all litigation and claims that they hold against their father Juan Stephen Dequetray for their shares of their mother's estate. Each party has received 1000 hard pesos and in return for this sum Nicolas Lamothe and Anna Desautels promise to refrain from all further claims and actions against their father. The third exhibit is the marriage contract, dated Pointe Coupee, September 10, 1757, between Nicolas Lamothe, son of the late Joseph Lamothe and Theresa St. Germain of the Parish of Ars, Diocese of La Rochelle, and Perrine Stephan, daughter of Jean Stephen and Anne Francoise Rolland, a minor, of the diocese of Quebec. The sponsors for the groom were Messrs. Henry Gerard, Surgeon for the King and Louis Bernard Potin both of Pointe Coupee and for the bride, her parents, her brother, Antoine Sarazin, and her sister Anne Stephan, wife of Jacques Desautels, Jean Decuir, her godfather, Tierre Ricard and Joseph Prevost. The fourth exhibit is Charles de Grand Pre's letter to Leonardo Mazange to the effect that he has seized Nicolas Lamothe's property who is absent from the city and also that of his wife Perrine Rocancourt, in favor of Messrs. Morgan & Mather and that he will draw up all the papers relative to the Herberts and Dufour successions.



The fifth exhibit is a copy of the recording of the foregoing decree rendered by Piernas acting Governor to seize Lamothe's property with the Morgan & Mather petition for the seizure. Francois Emond, Jr., certifies that he went to Nicolas Lamothe's house where he found Mrs. Lamothe and that she told him for the last four years her husband had been in Texas and New Mexico. The lady was asked to pay the debt, but she answered that she did not have a sol and that they would have to wait until her husband's return. Grand Pre orders Emond to repeat the demand for Mrs. Lamothe to pay her husband's debt. Emond then certifies that he again notified Mrs. Lamothe to pay her husband's debt, but she made the same answer as before. The sixth exhibit shows that on December 23, 1781, Charles de Grand Pre, Lieutenant Colonel of the Regiment of Louisiana, Civil and Military Governor of the Post of Pointe Coupee upon the refusal of Mrs. Lamothe to pay her husband's debt to Messrs. Morgan & Mather seized and appraised her slaves, 7 field hands and 3 house servants, a plantation, all available movable and immovable property, live stock, etc., together with a plantation belonging to Mrs. Lamothe. The appraisers named were Jean Baptiste Tounoir, Julien Poydras, Pierre Goudeau in the presence of Antoine Bordelon, Collin La Cour and Charles Dufour, witnesses. All seized property amounting to 3660 pesos.

Perrina Stephan Dequetry, called Roquancourt wife of Nicolas Lamothe, resident of Pointe Coupee thereupon alleges that at the instance of Messrs. Morgan & Mather an inventory and just valuation has been made of all of her husband's property amounting to 3660 pesos. With regard to what belongs to her she wishes to state that 5000 pesos are lawfully hers through her dower rights, her legitimate maternal estate, donations and successions, in this manner: 1st. 1000 pesos that her father paid her for her share of her mother's property, that Mr. Lamothe has received as appears from a document presented. 2nd. 1200 pesos that belongs to her according to her marriage contract. 3rd. An additional 400 pesos that also belongs to her as her marriage contract shows for the full amount of her preference legacy. 4th. 2500 pesos that her husband received that came to her as her share of her brother's (Antoine Sarazin) estate. Considering that there are not sufficient funds to satisfy her rights she asks that her husband's entire estate be adjudicated to her at the price of its valuation with the reservation that it must pay what it lacks of completing her 5000 pesos should any other property belonging to Mr. Lamothe be discovered and in case something should be found that she be declared privileged above all other creditors and that Morgan & Mather's claim be excluded and that they be condemned to pay all costs caused, or to be caused.



Governor Miro who is now in charge of the case rules: On January 23, 1783, let this petition be sent to the plaintiff.

Morgan & Mather for reply present two of Nicolas Lamothe original notes, the first dated October 11, 1776, by which he agrees to pay them 13200 livres, one-half in March next, and the other half at harvest time of the year following for value received on account. This note is endorsed by Antoine Charbonnet. The second note is dated November 24, 1776, and stipulates that within the current month of April he will pay to the order of Morgan & Mather 664 piastres, 7 escalins. This note plus interest amounts to 674 pesos, 7 escalins. The plaintiffs say further that Nicolas Lamothe owes them the following amounts: 1st. A note dated November 24, 1776, for 674 pesos, 6 reales. 2nd. Signed by Antonio Charbonnet, dated October 11, of the said year for 2640 pesos for interest accumulated from the said day until February 1st, of the present year at the rate of 8%, 310 pesos, 4 reales. On another note dated September 19, 1776, to be paid in March, 1777, 1160 pesos with interest from date until February 1, 1783, signed by Mr. Bienvenu 541 pesos, 5 reales, besides there is another note also signed by Bienvenu, dated October 28, 1776, for 2052 pesos, to be paid within one year with interest until the first of February of this year, 861 pesos, 6 reales all added together total 8230 pesos, 6 reales without counting further interest which must be taken into consideration until the time of full and final payment. Demand for collection was made on all these notes at the time of maturity on Nicolas Lamothe, the principal debtor, as the records show.

Plaintiffs ask that a despatch be issued in due form and sent to the Commander of the Post at Pointe Coupee, Don Nicolas de la Sise, so that in consideration of this petition he may make a formal inventory of the movable and immovable property belonging to Lamothe as they have been informed that a part of his estate has been hidden. What has been inventoried has been appraised at an inferior value which makes it insufficient for their payment in full. They ask that a new inventory be made placing a just price on what has already been underestimated and whatever else that may be discovered and proceed to a public sale of everything after all calls have been made in due form. And done remit the full amount to this Tribunal where Perrina Stephen Dequetray, called Roquancourt, legitimate wife of Lamothe must have recourse to demand her legitimate rights. Governor Miro orders a comparison of signatures made by the escribano, the ones on the notes with those in his Archives.

Leonardo Mazange, who has now become escribano, certifies that in the Archives in his charge he has found various signatures made by Lamothe and by comparison he finds them identical with those on the notes.

Mrs. Lamothe replies that in order to make clear what she has inherited from her brother, who died in Pointe Coupee she asks that witnesses be called to testify to what she has received because the amount that has come to her from this source is generally and publicly known. She asks that this petition together with its decree be sent in the original to the Commander of the Post so that he may put the declarations he receives at the end of this proceeding and done return all to the Governor's Court. On February 4, 1783, Miro rules: Let the Commander of the Post of Pointe Coupee, Don Nicolas de Lassize, receive the declarations of the witnesses that Mrs. Lamothe will present, and let them be set down in writing at the end of this decree and done remit all to this Court.

Beginning immediately after are the depositions taken in Pointe Coupee, the first witness is J. B. Lacour who after taking oath says: That at the death of Mr. Sarazin, Mrs. Lamothe's brother, he left his estate to her and to his other sister, Mrs. La Pointe, his property consisted of a mulattress named Marie Jeanne, a mulatto, Antoine, a young negress, Marie, some horses, cattle, pigs, etc., and that he knows Mr. Lamothe has either ceded or sold these slaves and the live stock that came to his wife, from her brother, to Mrs. La Pointe, her sister who had inherited the other half but he does not know at what price. This however may be verified by the act of sale that was passed a long time afterwards when Mr. Dubertrand purchased all the slaves when Mr. La Pointe died. There was also left to the two sisters, a piece of land, measuring about five arpents that was sold to Mr. Marre, a resident of New Orleans for 350 piastres. He does not know if Mr. La Pointe possessed any other effects, or the value of his movable property or what money he left. Mr. Sarazin's succession was divided between the two sisters without any legal formality because of the majority of the two heirs. This declaration was signed by La Cour before Nicolas Delassize in the presence of Antoine Ricard de Rientord and Antoine Clarissen witnesses.

The next to testify is Jean Louis Richer, signed "Riche" states that he knows Mrs. Lamothe inherited, with her sister, Mrs. La Pointe one half each, of a piece of land some fifteen head of cattle, a horse, a mulattress and her children from their brother, Mr. Sarazin's estate. He remembers this affair only very slightly after the eighteen, or twenty years that have passed and that he does not know what price these effects brought when sold. Witnessed as above. Colin Lacour and Armand Dubertrand also testify, but add nothing new to the information already given, though the latter says that Mr. Lamothe sold to Mr. La Pointe from the Sarazin estate a mulattress, aged about 30 years with her two daughters for 1200 piastres and a third child, a boy, was sold to Mr. La Pointe ten years after for 400 piastres. This would make 1600 pias-



tres of which one-half should go to Mrs. Lamothe, there was also a small piece of land but he does not know what price it brought when sold to Mr. Marre. The same may be said of the live stock and movables.

Mrs. Lamothe now asks leave to present the foregoing documents and have them included in the records of the case prosecuted by her husband's creditors. In a second petition she sets forth that from the foregoing depositions it is evident that her husband received as her share of her brother's estate 975 pesos; 1000 from her father as her share of her mother's estate; 1200 that she brought as her dowry according to her marriage contract and 400 from her preference legacy (preciput) making a total of 3575 pesos.

#### Recapitulation

The appraised value of the estate.....	3660
The amount of her claim.....	3575
Leaving a remainder of.....	85

She is a privileged creditor above all the others as her marriage contract is dated 19 years before the Morgan & Mather notes; her brother's inheritance came 18 years before and the donation from her father 9 years before. She asks that the property inventoried be adjudicated to her at the price of its appraisement, offering to pay all costs above the 85 pesos remaining which she owes the estate, without including the funds received from the sale of the live stock she inherited from her brother, which is a great loss to her and of which she makes a voluntary surrender if the estate is adjudicated to her. Miro on Postigo's advice orders all documents included in this case, that are in French, translated into Spanish by Juan Joseph Duforrest. And done let them proceed with the formalities of this cause. From page 60 to page 75 are covered by Duforest's translation of the many French records scattered through the folio.

The next regular entry is an interrogatorio of four questions presented by Mrs. Lamothe upon which she wishes Guillermo Marre and Santiago Monsanto questioned.

- 1st. Is it not true that her husband sold to La Pointe a mulattaress, Maria Juana, with her two children for 1200 pesos?
- 2nd. Is it not true that ten years later, Lamothe sold to La Pointe, Antonio, son of Maria Juana for 400 pesos?
- 3rd. Is it not true that Lamothe took Maria Juana and her children from her brother Antonio Sarazin's estate on account as her share of inheritance?



- 4th. Is it not true that Mr. Marre bought from her husband five arpents of land that she inherited from her brother for 350 pesos?

Guillermo Marre and Jacobo Monsanto both under oath answer that all four questions are true in all they contain.

Mrs. Lamothe reiterates her plea to have her husband's estate adjudicated to her at the price of its appraisement offering to pay the costs of the case although this will be prejudicial to her.

Patricio Morgan & Santiago Mather answer saying since the product of Lamothe's estate is not sufficient to meet his obligation to his wife and pay their notes they reserve the right to take action against his bondsmen, Jean B. Bienvenu and Antonio Charbonnet for the full amount of the debt in case this Tribunal should adjudicate the property at its appraised value to Doña Petrona for all she claims. They ask Miro to pass sentence in justice. They further ask that since Charbonnet is at present in the city he be ordered to verify his endorsement to the note and that he will not be permitted to leave New Orleans until this cause is concluded, or that if he should he will empower someone to act for him before his departure. Miro on Postigo's advice summon the parties to hear the definitive sentence which is pronounced on August 26, 1783, and is to this effect: That Doña Perrina must be paid her 3575 pesos, the amount of her dower rights, for this payment let them adjudicate to her her husband's estate at the price of its appraisements, the said Perrina being indebted to her husband's creditors for 85 pesos, the said creditors reserving to themselves the right to proceed against the surety. Dona Perrina is condemned to pay the costs of this suit caused, or to be caused.

Morgan & Mather ask to take action against Juan B. Bienvenu as Lamothe's legal surety and endorser of the note and that a writ of execution be issued against any or all of Bienvenu's property for the full amount of the notes, namely 3832 pesos, 7 reales, with interest at 8% for the 6 years, 8 months and 15 days that the debt has run up until today December 5, with its one tenth and costs. Miro on Postigo's advice rules: Order the writ of execution issued against Juan B. Bienvenu's estate for the full amount of the obligation, its one tenth and costs. The costs of the case are taxed at 99 pesos, 7 reales to be paid by Mrs. Lamothe.

The next entry is a certified copy of the Notarial Act dated June 10, 1785, which is a receipt in full granted to Juan B. Bienvenu by Morgan & Mather. Juan B. Bienvenu then states as he has paid this obligation he asks that the escribano be ordered to deliver to him the two notes that are placed at the beginning of this suit so that he may use them for his rights against Nicolas Lamothe for whom he stood as security

and whose debt he is obliged to pay. Miro on Postigo's advice orders the two original notes returned to Bienvenu and he receipts for them.

May 14.

**Pedro Flouard vs.  
Francisco Ense.**

No. 3599. 6 pp.

Court of Alcalde Pedro  
de Verges.

No Assessor.

Escribano, J. B. Garic.

A school teacher sues to collect  
for his services to the defendant's  
children.

Pedro Flouard, a school teacher, presents his itemized bill and says Francisco Ainse owes him 42 pesos, 4 reales, for having taught his sons to read and write, he has tried many times to collect this debt but the defendant has always refused to pay under the pretext that he did not remain the full year in his house. This he could not do because he was not properly fed. He prays

that his bill be ordered paid. Petition granted.

Francisco Ainse, resident of the German Coast presents a contract drawn up by Pierre Flouard and signed by both parties and sets forth that in order to prepare his action before he answers the petition that he has received demanding 42 pesos, 4 reales, it is convenient to his rights that Pedro Flouard, under oath, verify his signature to the document here attached and to state if it was not written by him and to deliver his declaration to him to be used for his own ends.

Moreover he asks that in consideration of the danger his plantation is now in because he has been obliged to abandon it and his indigo, maise and rice and the rest of his labors at a time when it is most necessary to concentrate on his harvest and much more so on the levees that are threatened by the river, he will not be called upon to come to the city but instead may appoint some one to represent him.

He protests against all the injuries and prejudices to his plantation that an abandonment of it would cause, and in the interim he protests for the first, second and third time and every thing else that the law requires. Alcalde de Verges orders the plaintiff to swear and declare as petitioned by the defendant and done send his declaration to Ainse to be of value to him at his own time. This ends the record.

May 19.

**Emancipation of the  
Le Doux minors of  
Natchitoches.**

No. 3602. 6 pp.

Court of Governor Galvez.

Assessor, Postigo.

Escribano, J. B. Garic.

The record opens with two baptismal certificates, the first dated October 23, 1761, in which the Reverend Father Joseph Calahorra, Spanish Missionary baptized Angel Charles Francois Marie, son of Antoine Francois Le Doux and Francoise Fazende Le Doux, the godfather was An-

gel de Martos and the godmother was Charlotte Bubos de Ker-

lerec. The second dated August 12, 1759, Father Eustache Capuchin baptized Gabriel Antoine Francoise, born June 20th of that year, son of Antoine Francois Le Doux and Francoise Fazende. The godfather was Jean Gabriel Fazende and the godmother Marie Francois Le Doux.

With these two certificates Gabriel Antonio Francoise and Angel Carlos Francisco Marie Le Doux both residents of Natchitoches, through their attorney, Francoise Broutin, set forth that as it appears from their baptismal certificates they are of an age to be emancipated and to be permitted to administer their own property. They ask that witnesses be called whom they will name to testify to their good conduct and ability to manage their own affairs and done if their testimony is satisfactory they will be emancipated, the Governor interposing his authority and judicial decree. Petition granted.

The witnesses, Francisco Maria de Reggio, Renato Gabriel Fazende and Jean Baptiste Macarty, each in a separate declaration states that the two Le Doux minors are of good conduct and morals and capable of managing their own affairs. On the strength of this information Bernardo de Galvez on Postigo's advice orders the Le Doux minors emancipated. Let them be put into possession of their own paternal estates so that they may manage and administer it. This decree ends the record.

May 19.

**Francisco de Villiers vs.  
Cezario Le Breton's  
succession.**

No. 3595. 25 pp.

Court of Governor Galvez.  
No Assessor.

Escribano, Juan B. Garic.

To collect a debt.

This controversy arose out of a broken levee called in the pleadings, a crevasse, on the plantation of Cesaire Le Breton. It would seem that Francisco de Villiers (evidently a neighbor) had closed the same and on his application Governor Galvez issued an order (called here an injunction) to the owners of the Le Breton plantation to refund to de Villiers the expenses thus incurred.

Thereupon this lawsuit was begun by some of the children of Cesaire Le Breton to throw this expense upon Francisco Le Breton who was in charge of the place under a procuration and instructions of Le Breton. The Governor reiterates his original order that the Le Breton heirs must repay

There had evidently been other proceedings in this suit either in one of the Country Parishes or else in one of the City Courts. The record opens on page 1 with a petition from Mauricio Conway as husband of Francisca Macarty, Anna Theresa Vertelin, widow Le Breton, Estevan de Marmity as married to Luisa Margarita Le Breton and the others state that it has pleased Governor Galvez to order an injunction to pay, issued against the property belonging to their succession and as Francisco Le Breton was in charge of the administration of it the property must not be left to deteriorate because of the destruction of the levee in front of the plantation. As it is stipulated in his father's procuration he was ordered to pay his sister-in-law for any breaks found in the levee. This was not neces-



to de Villiers the daily wages of the negroes who were employed to close the break in the levee on the Le Breton plantation, together with the other expenses incurred in this work.

The main question of liability having been finally adjudicated, the petitioners then raise the question as to the correct amount of the claim and on this issue experts are appointed to assess the value of the hire of the negroes, etc., and upon their report this sum is fixed by Governor Galvez at 875 piastres and orders the Le Bretons to pay this and if they fail to do so he orders the slaves belonging to the Le Breton Succession to be seized and put in jail and sold in execution of the judgment.

The record is of value as showing the daily wages of slaves at that period which is fixed by two of the arbitrators at the rate of 6¼ reales per diem. It also conclusively establishes the historical fact that the expense of closing crevasses fell upon the owner of the place where it occurred. This was the rule during the whole colonial period in Louisiana.—(Ed. La. Hist. Qrtly.)

sary, however, because when his sister-in-law rendered accounts and returned the plantation it was in good state. Now that it has been restored to Francisco Le Breton he must keep it up in the same way that it was when he received it. Therefore he alone must pay the daily wages of the negroes and supplies and must stand all losses resulting from his negligence. May it please the Court to order the injunction to pay be understood as meaning Francisco Le Breton so as to avoid prejudices to Mr. de Villiers against the owners of the estate with a request to name arbitrators to make an appraisal of the labors of the slaves and when this is done let them have recourse against Francisco Le Breton and not the owners of the plantation. This petition is ordered sent to the opposition.

Chevalier de Villiers answers saying that the Court has ordered the Le Breton heirs to pay the daily wages of the negroes and for the supplies for the repair of the levee at their plantation, this they do not wish to do bringing vain arguments that have no connection with his claim which is perfectly valid. He asks that the Le Breton heirs be ordered to pay for the wages and supplies as they appear in the sworn statement (not included in this suit) without any further legal proceedings. Galvez rules: The Le Breton heirs must pay this party the full amount of the daily wages for the negroes who have worked on the levee by their plantation besides the other expenses for supplies without causing any further legal proceedings to the plaintiff.

The Le Breton heirs answer saying that they have been ordered to pay the days' wages of the slaves at the rate of one peso for each one for each day. This price is not in conformity to the accustomed price in this colony. On the contrary it exceeds it by one-half more than the price at which negro laborers are hired out as many of them are crude labor and could not earn that amount. He asks that experts be named to put a value on what the negroes should earn for this work. Galvez orders Chevalier de Villiers notified to name an expert to appraise the value of the slave labor.

The Le Breton heirs name Joseph Adrien de la Place as their arbitrator-appraiser. He is acceptable to the Court, is notified and qualifies. Chevalier de Villiers names Valentin Robert Avart who does likewise and the two arbitrators proceed to fix a value on the day laborers' wages. De la Place values each man's work at 6½ reales a day and Avart at 1 peso. As these two arbitrators are hopelessly at odds the interested parties pray for the appointment of a third in discord. One is named by the Court in the person of Charles Jean Baptiste Fleuriau. He accepts and qualifies and decides that the price named by de la Place at 6½ reales is the most just price to pay labor for repairing the levees. This is followed by a statement signed by all three arbitrators who state that it has come to their knowledge that Mr. de Villiers had employed the negroes to repair the levee at the rate of five livres a day and as this was the price arranged, the estimate for this work is what the LeBreton heirs must pay. This is followed by a statement signed by Fontenette and Le Breton showing the number of slaves employed and to whom they belonged and how long they worked to close the crevasse, the full amount being 875 piastres. Galvez orders the Le Breton heirs to pay this debt. They then petition the Court to interpose its judicial decree and order all to abide by it. This is sent to the other interested parties and on August 25, 1779, Galvez orders the debt paid by the Le Breton heirs without delay at the rate stipulated by the arbitrators and if any of them refuse seize the slaves belonging to the succession and put them in prison to be sold to meet the payment.

On January 19, 1780, Francisco De Villiers states that according to the foregoing decree Charles Favre Daunoy must pay him 188 pesos, 4 reales, that remain of the debt. He has tried to collect without success and therefore asks for a writ of execution against any or all of the property of the Le Breton succession. The Court orders the party to employ an attorney who will prove his claim. De Villiers appoints Francisco Brou-tin to represent him and reiterates his plea, saying that Carlos Favre Daunoy holding the power of attorney of the Le Breton heirs lives on his plantation therefore he asks for a writ of summons which is issued and served. Carlos Favre Daunoy and Francisco De Villiers sign a joint petition saying that the first has paid the last and ask that the suit be dropped. The Court rules that with the consent of both parties, let the suit be dismissed with costs taxed by Luis Liotau. He is notified, accepts, takes oath to tax the costs which do not appear in this folio. This ends the record.

May 22.

**Henrique Depre (Desprez)  
vs. Pedro Stophan for the  
return of a house.**

No. 3593. 3 pp.

Court of Alcalde  
de Verges.

No Assessor.

Escribano, Juan B. Garic.

Henry Desprez began to figure in the colonial records at the period of O'Reilly's arrival. He was then a clerk in the auditing department of the French Regime. He became a lawyer at some time thereafter and he figures in that capacity in numerous cases in the Spanish Regime.—Ed. La. Hist. Qy.

Enrique Desprez, representing the estate of the late Hery, called Duplanty, presents an act of sale and states that in 1769, his client sold to Pedro Stophan, or Estophan, a house for 350 pesos to be paid for in December, 1771, with special conditions that if the vendor had not been paid by that date he could take back the house and that what had been given on account would be considered as rental. Stophan is absent from the Province, living in Mobile and has paid nothing on his obligation except 180 pesos on account, therefore he asks to

be authorized to take the house back as stipulated in the document and the money he has received be considered as rent for the nine years it has remained in Stophan's possession. Alcalde de Verges rules: That as it is well known that Pedro Estophan is absent and living in a foreign country and that it appears he has not settled for the house he bought from Francisco Hery called Duplanty according to arrangements made in a private act of sale, the house must be returned to the Duplanty inheritance and what has been paid on account will be considered as rent. This ends the record.

June 7.

**Sale made at the request  
of Juan Vincent de Varias  
of certain merchandise to  
be paid for in the coming  
month of December.**

No. 3625. 6 pp.

No officials named except  
the Escribano,  
Juan B. Garic.

This record consists of an itemized statement of merchandise offered for sale at public auction by Juan Bessiere, ordinary crier, the purchasers to pay within the month of December of the present year. They must give full legal bond to the escribano for the amount of their purchase. The merchandise consisting of many pieces of chamelots, cam-

lot, calamanco, serge, silk stuff, druggets, a strong camlet, fast-black calamandra, estaminas, sarxas, droguetes, barraganes, black eterna, silver buckles trimmed with stones, shoe buckles, bracelets, garter buckles, trouser buckles, etc.



June 14.

**Francisco Seimars de Bellile, Captain Commander of the German Coast vs.**

**Francisco Pascalis de la Barre to make him replace a bridge that has been removed under his authority.**

Court of Governor Galvez.  
Assessor, Dorotheo del Postigo.

No Escribano mentioned.

This controversy presented the proposition that a right-of-way for a public road could be acquired by long user, and without formal dedication. The Editor is inclined to believe we have here the history of the origin of Metairie Road, one of the most beautiful highways leading into New Orleans. The name of the defendant, la Barre, is perpetuated in a public road in the neighborhood of Metairie.  
—Ed. La. Hist. Qy.

Francisco Seimard de Bellile petitions Governor Galvez saying that the back road ending at the city has always been frequented without the least hindrance until now, when Mr. de la Barre who owns a small portion of land upon it has made a canal. This places an obstacle on the road. The plaintiff has built a bridge over it in accordance with the Governor's permission. This bridge has been removed, it is presumed by Mr. de la Barre. As Commander of the German Coast and in the name of all the inhabitants of his district who need this road to communicate with the capital on account of the crevasse that has submerged all the land and interrupted the use of the main road, he prays that this back road remain open to traffic and that Mr. de la Barre be ordered to restore the bridge immediately, that was

made with Galvez' approval. The Court orders this petition sent to the defendant.

De la Barre answers saying that Mr. Bellile's claim that the back road on his place has always been in use is without foundation and is contrary to the exact truth. Mr. Bellile has constructed a bridge at his own expense upon the defendant's land that according to his title belongs to him and that neither Mr. Bellile nor the inhabitants in whose name he speaks have any right to his possessions because they have to abandon the Royal Road. He will not permit people to traverse his plantation and as its owner can close the passage way at will when his interests are at stake.

If the river has overflowed its banks and has put a stop to communication by land it is not through his negligence or fault nor should the crevasse cause him to give right of way through his plantation. He has never refused under these same conditions before but he does not now wish to give this said right of way through his property. He holds his land from the King which goes back to the Lake, in Mr. Bellile's eyes regarded as small. He has built his levee on the banks of the river that is very good and strong and quite proper to serve as a model. And considering his title comes from the King no one has the right to traverse his property. Therefore he prays

Governor Galvez that neither directly nor indirectly will anybody be permitted to interfere with the depth of his land without his permission. This petition is ordered sent to Mr. Bellile.

The plaintiff now presents two certifications, the first signed by Mr. Baure and is to the effect that for thirty years, the time that he has lived on his plantation there has always been a road behind it that led to the Chapitoulas and to Grand Bayou and that he has used this road. Ever since he has owned his place when he could not pass by way of his own land he went through Messrs. La Freniere's, both father and son, Mr. de la Chaise's place and also Mr. La Breton's.

The second certification is signed by Beaulieu Brothers who declare that they have full knowledge that Mr. Verret had a dairy farm on the crest of the high land back of Mr. Cartier's and that he had a route opened there on the ridge that communicated with the house of Mr. de la Chaise where it joined Mr. Verret's dairy farm up to Bayou St. John that people made use of to come to the city in carriages.

With these two exhibits Mr. de Bellile sets forth that many old inhabitants of this colony have their dairies on this same ridge of high ground now in question and that for some time there has been a much frequented route on this ridge to communicate with the city as is evident by the foregoing declarations and that for a number of years it has been used both by horses and carriages as is generally known and that Mr. de la Barre himself has often been seen using the road through the property of others. It is understood that Mr. de la Barre's land runs from the river to the lake but on the other hand he has only 15 arpents front on the river and that the road that cuts across his place will not deprive him of much of his property and will be to his advantage as well as to the other inhabitants to have it. He prays the Governor to order that no one be permitted to hinder passage on the back road that leads to the capital and to promptly re-establish the bridge that the plaintiff made over the canal with the Governor's approval.

Galvez on Postigo's advice rules: In virtue of the certificates that Francisco Bellile, Commander of the German Coast has given him, signed by Alexandre Baure and the Beaulieu Brothers, residents of the Chapitoulas in which they declare that for the last thirty years that they have been residents of that said part they have always known of a Royal Road through the lands owned by Don Francisco de la Barre, their neighbor, as also through their own plantations. For these reasons he orders the deputy sheriff to notify Francisco de la Barre Regidor Perpetuo, and Sheriff of this city that within 15 days he must put a bridge over the canal that crosses his land, that was removed by his authority, for the convenience and use of the public and for the service of the King. This ends the record.

June 19.

**Louis Duchaine (Duquesne) step-father and tutor to the late Nicolas Caxeux' children petitions to sell a house belonging to them on Dauphine Street.**

No. 3589. 7 pp.

Court of Governor Galvez.

Assessor, Doroteo del

Postigo.

Escribano, Juan B. Garic.

eficial to the Cayoux minors that their house be sold. On the strength of this testimony Louis Duchaine (Duquesne) asks to have the house sold after it has been appraised, naming Joseph Adrien de la Place as his appraiser. Galvez on Postigo's advice orders the appraisement made and accepts de la Place and in turn names Francisco Bigeon, or Bijon as the other appraiser. Both men qualify and estimate the house and lot at 1000 pesos. Galvez then on Postigo's advice decrees let the house on Delfina (Dauphine) Street, belonging to the Cayeux minors be sold, but with the requisite obligation that the money received for it must be invested within two months in other property or properties from which some revenue may be obtained for the minors, as this is the reason for which permission is given for the sale of the house. Assessor's fees 12 reales. This ends the record.

July 29.

**Angelica, a negress, petitions for the freedom of her grand-child, slave of Santiago Porta, which she claims.**

No. 26. 6 pp.

Court of Alcalde Piernas.

No Assessor.

Escribano, Andres

Almonester.

(Tarascon as an appraiser to put a value on her, and prays that the other party, her grand-child's owner, be ordered to appoint his and done that she may be permitted to buy her for the price of her valuation and that an act of emancipation be issued to her. Piernas grants her petition accepting Santiago Tarascon as her appraiser. He orders Santiago Porta to name his within three days with a warning that if he does not do so the Court will proceed with the naming of one for him. Tarascon accepts and qualifies.

The petitioner says it is convenient to the rights of his minors that a house belonging to them on Dauphine Street be sold as it is deteriorating daily. He further asks that the witnesses he will name be called to testify to the truth of what he has just said. Petition granted and Nicolas Sardet, Antonio Marmillion and Pedro Marchand each in a separate declaration testify that it is to the advantage of and ben-

Angelica, a negress, quartered at Antonio Ramis' place to whom she has paid the price for her freedom with the exception of a small amount, petitions saying that for the great love she bears her grand-child, Maria Antonia, a slave of Santiago Porta she has begged an alms from various charitable people to buy her freedom and desiring that she may obtain this she names Santiago



Angelica presents a second petition asking for a writ of citation with an enclosure of a copy of the foregoing decree as Santiago Porta makes his home on his plantation, and entrust its delivery to some competent person. Petition granted. Pedro Bertoniére serves the writ on Mr. Porta at his plantation one league from the city on the other side of the river. He comes to the city and names Antonio Boudousque his appraiser who accepts and qualifies. Tarascon and Boudousque proceed with the appraisement Tarascon putting a value of 175 pesos on Maria Antonia, aged four years and Boudousque 200 pesos. This ends the record.

September 8.  
**Succession of Maria  
 Durocher, wife of Joseph  
 Bailly, with appraisement  
 of her property.**  
 No. 3596. 169 pp.  
 Courts of Alcaldes  
 de Verges and Le Breton.  
 Assessor, Postigo.  
 Escribanos, J. B. Garic and  
 Leonardo Mazange.  
 (Garic died Dec. 10, 1779).

The record begins with Joseph Bailly's petition stating that his wife has died leaving minor children and without having made a will, nor has any value been put on her estate. They both had dowries when they married therefore it becomes necessary to show in this succession what belongs to him and what to his children. He prays that an inventory and appraisement be made and that his minor children

be ordered to name an appraiser, he naming Adrien de la Place as his. Alcalde de Verges rules: Let the appraiser petitioned for be appointed and let him accept and take oath in due form of law and let the other parties name theirs. De la Place accepts and qualifies.

Alcalde Pedro de Verges then names Francisco Broutin as curator to the minor Durocher-Bailly children. He accepts, takes oath and gives bond, naming Francisco Rodriguez as surety, who qualifies and the order of curatorship is executed. Broutin immediately asks to have the inventory made and the estate valued by the public appraisers. De Verges names Francisco Bijon to act for the minors who must accept and qualify and done cite Francisco Versalle (Chalair called Versailles) one of the heirs by representation of his wife, M. (Elizabeth) Bay Durocher and let them proceed to take the inventories. Bijon qualifies.

The inventory and valuation is made in the presence of Alcalde de Verges, Francisco Broutin, Joseph Bahy (Bailly) Francisco Chalair for his wife, Elizabeth Bahy, (Bailly) Joseph Adrien de la Place, Francisco Bijon and J. B. Garic, escribano. The estate consists of house furnishings, linen, silverware, provisions, kitchen utensils, tools and implements, live stock, slaves, carts, etc., and papers showing acts of sale for real property, slaves and houses. The inventory which bears one

of Garic's last signatures is dated November 15, 1779. He dies December 10, 1779 and is succeeded by Leonardo Mazange on November 27, 1779, Broutin asks to have the inventory approved and that all be ordered to abide by it. Joseph Bailly after appointing Fernando Rodriguez as his attorney asks the approval of the inventory also.

Francisco Chalair acting for his wife petitions to have the records of the case delivered to him in the ordinary form so that he may promote what is convenient to the rights of his representation. These records seem to have been delivered as requested and a little later he appoints Raphael Perdomo as his attorney and he also asks the approval of the inventory and that the others be ordered to abide by it. De Verges rules that with the consent of all parties the inventory and appraisal is approved and all are condemned to abide by it. Let the records of the proceedings be delivered to Bailly so that he may promote what may be suitable.

Joseph Bailly asks to have the estate adjudicated to him so as to avoid costs of sale. Broutin as curator and Chalair representing his wife each in a separate petition agree to the adjudication provided Bailly gives good and sufficient bond. De Verges rules that with the consent of all parties the adjudication of the estate is made to its guardian at the price of its estimation, but that he must give bond for the part that belongs to the minor children.

The next request is for the account and sworn statement which is ordered made in 15 days. This Bailly does after presenting 8 vouchers and giving an itemized report, his accounting is as follows:

#### Recapitulation

	Pesos	
Assets .....	6904	2
	Pesos	
Charges and deductions.....	2303	2
	<hr/>	
Liquid remainder .....	4601	-

Of this amount 2080 pesos must be accounted for in this way: 800 pesos that his wife brought to the community as appears in her marriage contract before J. B. Garic, notary, in 1758. 880 pesos that she received from her maternal and paternal estates and 400 pesos that Bailly gave his wife when they were married. This 2080 pesos belongs to all his heirs alone and by equal parts, none of it is his and the one-half that remains liquid when the costs of the Court are deducted will also be partitioned among his heirs, what is left belongs to him as his community interest.

Francisco Broutin states that he can not contest this account and sworn statement unless he has a copy of the marriage contract between Elizabeth Bailly and Francisco Chalair and also the one between Maria Durocher and Joseph Bailly. The latter is presented, dated March 30, 1758, and is to the effect that Joseph Bailly, native of New Orleans, son of Vivien Bailly and Marie Bauguier was married to Marie Durocher, minor daughter of Pierre Durocher and Catherine Josepha Guichard. The sponsors for the groom were Simon Chevray and Jean Baptiste Montar, and for the bride, Jacques Joly and Pierre Charpentier. The witnesses being Hilair de Harand (Hilario de Aranda) and Andres Sadous.

Francisco Broutin then asks for a certification of the share that Bailly received from Pedro Durocher, called Castillon and his wife, Maria Durocher's parents. Leonardo Mazange certifies that Maria Durocher received from her father 1026 pesos, 5 reales and 23 maravedi. He then contests Bailly's account and sworn statement and produces one of his own which is as follows:

## Recapitulation

Assets .....	9181	7
Charges and deductions.....	250	2
	<hr/>	
Liquid remainder .....	8931	2

Francisco Chalair asks to have the Bailly-Durocher marriage contract, already mentioned, translated from French into Spanish. When this is done by Andres Armesto he presents his contestation and confrontation of the account and sworn statement given by Joseph Bailly. His table appears as:

## Recapitulation

Assets .....	6904	2
Charges and deductions.....	2333	2
	<hr/>	
Liquid remainder .....	4571	-

He now petitions, saying that he has been given Joseph Bailly's account and sworn statement which he has examined. This has already been opposed and contested by the minors' curator, so as to avoid useless costs which would prevent the co-heirs from receiving anything, he asks that all be condemned to abide by Broutin's reckoning. This petition is sent to the curator who in turn asks to have his accounting approved since Chalair has agreed to it and order all to abide by it and that a partition of the estate be made on this basis by the escribano with an added item of 30 pesos for his labors. This is sent to the other heirs.



Alcalde De Verges on Assessor Postigo's advice reviews the account and sworn statement given by Joseph Bailly says that he can not pass and approve various items which he goes on to name particularly as to amount paid out for the purchase of slaves and movables bought from the Durocher-Castillon succession. The marriage contract shows that he brought only a small piece of land to the community as his marriage portion which could not amount to enough to pay all debts incurred, nor would his share of the community property be sufficient either. It is necessary then to take out his wife's dowry from this lot that was his and besides the 2080 pesos his wife received from her maternal succession these must be added to the body of the estate and must be divided among his children. Let the taxation of costs be made by Andres Armesto. He qualifies and taxes the costs at 229 pesos, 5 reales, on July 7, 1780.

The case is resumed on January 12, 1781, when Francisco Broutin, curator to the minors presents a petition setting forth that all the Durocher property was adjudicated to Joseph Bailly at the price of its appraisement on condition that he give bond for the part that belongs to the minors. This he has not done and is now selling off some of the property. He is a man without proper judgment, gambles and is always drunk and is capable of wasting all the estate. He asks that the escribano be directed not to pass any acts of sale for the Durocher property. Jacinto Panis, Senior Alcalde, into whose Court the case has passed, rules accordingly.

Maria Josepha, Catarina and Joseph Bailly, minor children of Maria Durocher add a petition to that of their curator repeating what he has said and that their father is selling everything even up to the beds, spoons and dishes, reducing them to the condition where they must ask charity to feed themselves and will not give them a real. They ask the Court to admit the necessary information to prove the truth of their statement. Panis summons the witnesses, Santiago Le Duc, Juan B. Delmas and Simon Renato Luran (Lorain) each in a separate declaration say that they know Joseph Bailly as a man continually drunk, deprived of all judgment and incapable of managing any property and by his bad conduct he has wasted in gambling, everything he had since his wife's death. It is evident that he has squandered a part of his children's legitimate inheritance and that he does not do any work and has not made his voyages like he used to do and is not willing to work. On the strength of this information, Panis on Postigo's advice rules: That he releases, or deprives Joseph Bailly of the tutorship of his children and the administration of their estate and appoints Nicolas Pertuit, the minors' uncle in his place and entrusts to him their funds, amounting to (space

left blank for the number) pesos which he must put out at interest for their support, giving bond to the escribano of this cause corresponding to the account and risk.

Nicolas Pertuit as administrator of the property for Maria Josepha, Catalina and Joseph Bailly states that in order to make it clear and to put this fund out at interest for their use it is necessary to sell a house in this city and its selling price together with the rest of the money be placed with some bonded person. For this end he asks that witnesses be called so as to avoid costs. Panis on Postigo's advice rules accordingly. Jacques Le Duc, Nicolas Fromentin and Juan B. Wiltz each in a separate statement declare that it will be to the benefit of Maria Durocher's children to sell the houses belonging to them on St. Peter Street and their product put out at interest because the houses are in a very bad state of repair and it would be an unnecessary expense to put them in order. Panis on Postigo's advice orders the houses sold after the three customary public calls are given. These are made June 11, 16, and 30 and the auction is held on July 11, but no bid was offered. The sale was repeated on July 14 still no bid was offered.

Joseph Bailly then petitions saying that the partition of his wife's succession has been verified without anything having been turned over to him. He has been unable to support himself because of the losses and misfortune he has experienced. He is in a deplorable state without bread or any food and at his advanced age it is impossible to work to support himself. For this reason he must ask something from the Court or else have his children ordered to make him an allowance from the estate, each one from the part that comes to him. Just a small amount for his support, whatever the Judge will say that he should have. Panis on Postigo's advice rules: That Joseph Bailly will receive for his support 150 pesos, once, which shall be contributed by all of his children. This money to be paid to him from the 200 pesos in Leonardo Mazange's possession from the debt that Verdun owes the succession, resulting from a plantation bought from Bailly. The other 50 pesos will remain with Mazange at the disposition of this Court. Bailly must give a receipt for the amount he receives. Leonardo Mazange records Bailly's receipt in a marginal note.

Broutin petitions for a repetition of the sale of the house, which is granted and the three calls are again given on September 17, and 26 and on October 6, then a hitch comes in the proceedings, when Nicolas Pertuit petitions to be relieved of his duties as administrator, setting forth that he has been notified of a decree naming him curator ad bono for Maria Durocher Bailly's minor children. Because of his advanced age and the contract he has to supply the necessary bread daily to the fixed regiment of this place he will be prevented from



accepting the office and asks to be relieved of the obligation carried by the decree. Panis on Postigo's advice rules: That he excuses Nicolas Pertuit from the obligation imposed upon him because of the reasons he has given and appoints Pedro Chabert to his place who must be notified to accept, take oath and give bond. Chabert qualifies.

The case now passes to the Court of Alcalde Francisco Joseph Le Breton D'Orgenois, when on June 28, 1783, Francisco Chalair, as husband of Elizabeth Bailly petitions for the sale of a house, the last remaining thing belonging to his deceased mother-in-law's estate not yet disposed of. He asks that this be sold at public auction. This petition is sent to the other interested parties. Francisco Broutin, as curator ad lites consents to the sale, mentioning the death of Joseph Bailly. Le Breton rules with the consent of the parties let them proceed with the sale of the house. The three calls are made October 6, 14 and 26.

This is followed by a certified copy of an act of sale, dated May 9, 1778, by which Jose Bailly sells to Francisco Chalair a piece of land four feet wide and 80 feet deep. This copy is presented by Francisco Chalair who states that he does not wish anyone to be ignorant of the sale in his favor which is included in the land upon which the house is built. When the sale is made he wishes that this portion of 4 feet by 80 feet be noted and deducted from the lot offered at auction. (He also speaks of Bailly as the deceased). The public sale takes place on December 10, 1783, after somewhat spirited bidding by various persons it is finally knocked down to Juan Bautista Babneris for 1255 pesos.

The interested parties, each in a separate petition ask for a partition of the estate. Petition granted and Louis Liotau qualifies to make the division. The case now passes to Alcalde Francisco Maria de Reggio who decrees that as it is shown all property inventoried and accounted for in Bailly's and Broutin's sworn statements as been dissipated with the exception of (first figures entirely eaten away)—200 pesos, let this sum be divided among the heirs after a new taxation of costs is made. This taxation dated February 9, 1784, amounts to 89 pesos, 5 reales. There are two certified copies of receipts given, one dated March 30, 1780, showing Francisco Chalair, Elizabeth Bailly's husband to have received from Joseph Bailly 100 (rest eaten away) on account for his wife's share of her mother's estate. The second by the same party acknowledges 500 (rest eaten away). In his petition he says he received 600 pesos on account, 100 pesos from J. B. Bagneris for the sale of the house, when the accountant makes the partition this must be taken into account, besides the 50 pesos that Mazange has in his possession.



The partition is made by Louis Lioteau of the funds amounting to 3015 pesos, 3 reales. This is divided into four parts. Elizabeth Bailly, wife of Francisco Chalair, Maria Josefa Bailly, Catalina Bailly and Joseph Bailly, each receive 753 pesos, 6 reales, 25 maravedi, but as Mrs. Chaliar by her husband's acknowledgment received 700 pesos, there remains very little to be turned over to her. Louis Liotau petitions to be paid for his labor for drawing up this partition. Maria Francisco de Reggio orders him paid from the funds belonging to the succession.

Francisco Chalair petitions the Court to approve this partition and to order all to abide by it. This is sent to the curator, Broutin, who agrees and asks that the part that belongs to his minors be put out at interest for their support with a person giving full bond that will be to the satisfaction of this Court. De Reggio rules that with the consent of all parties he approves the partition of the estates left by Joseph Bailly and his wife, Marie Durocher and orders all to abide by it, he interposes his authority and judicial decree. Let the records of this case be delivered to the minors to promote what may be convenient to their rights.

Thus ends, on February 4, 1784, a very much worm eaten record which is the last, but one that Garic handles before his death December 10, 1779.

(To be Continued)





